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# Toward the New Education

## THE CASE AGAINST AUTOCRACY IN OUR PUBLIC SCHOOLS

(Being a reply to a pamphlet issued by The School-masters' Association of New York and Vicinity and The American Defense Society, entitled, "Unpatriotic Teaching in Public Schools.")

TEACHERS' UNION OF THE  
CITY OF NEW YORK

70 Fifth Avenue



## LABOR AND LOYALTY

Even before this number of *The American Teacher* is printed our country may be at war with the government of the German people. Should war come, the workers of this country stand ready to support the government in every possible way, to the end that the democratic and humanitarian principles that are at the foundation of this nation may be preserved in the world.

The readers and supporters of *The American Teacher* are in large part among the great body of citizen workers who have fought, relentlessly, the idea of war upon any nation. They know who bear the burdens of war, and they know who profit by its fury. The representatives of organized labor who met in Washington in March, had a great responsibility, the President of our American Federation of Teachers among them. Even at the time of the conference in Washington the outbreak of war seemed a certainty. The great question was what should be the course of labor? As we face the great crisis we can see no alternative. Labor must stand ready to give its service.

The loyalty thus pledged in the name of the common people is not to be confused with the hysterical shouting and gesticulating that pass in many quarters as manifestations of "patriotism." It is not that unqualified and unquestioned submission to the dictates and whims of men who happen to be in authority, under all circumstances. It is a sincere devotion to the ostensible purpose of the government in promoting the aims and ideals of the American people, in the interests of wider liberties, more firm security of human rights, and further extension of the essentials of civilization.

We shall make our prayers or our propaganda to avoid the stupidities as well as the brutalities of war, up to the very moment that may at last find us at war. But when war comes, if it comes, we shall have responsibilities to meet quite as incumbent upon us as the responsibilities of loyalty to the government and its major purpose. Upon us will rest the responsibility to guard those fundamental attainments of such civilization as we have against the ruthless assaults of privilege and greed and reaction. Upon us will rest the responsibility to resist the temptation to exploit children and other defenseless members of the community on the pretext of necessity; the temptation to deprive the workers of their protection against conditions that rob of health and sanity. *We shall be responsible for keeping alive those ideals of justice and liberty and humanity that are the most serious victims of every war.*

We shall be loyal. We shall not, however, permit our loyalty to the "government" to blind us to our loyalty to the heart of the nation. Nor shall we let it blind us to the loyalties that this nation still owes to mankind today and tomorrow. We shall be loyal, but we shall not be blind.

(From "*The American Teacher*," April, 1917.)

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4/22/18

CAN WE TRUST THE KEEPING OF OUR AMERICAN  
DEMOCRACY IN THE HANDS OF ORGANIZA-  
TIONS WHOSE ACTIVITIES INSPIRE  
MOB MADNESS?

A Letter which the American Defense Society should have repudiated when it knew of its existence.

W. C. MOORE  
Market Expert  
STOCKS, GRAINS, COTTON  
52 Wall Street  
New York

April 22, 1918.

Dear Doc:

I note from a reading of the newspaper that you and your misguided followers are about to open a soap-box campaign in the interests of Bill the Kaiser.

I am credibly informed there are five hundred teachers in the city schools who are in sympathy and who are working in harmony with the German propaganda. I have reason to believe that ninety-nine percent of these poor deluded and incompetent teachers are disloyal and that a very large percent of them are traitors, you among them.

Now let me tell you Doc, that the good loyal people of the City of New York have about exhausted their patience with you and your ilk and that the day of retribution is not far off. Personally I would like to take a hand in administering a coat of tar and feathers and a hemp rope in your case and in ninety percent of the others whose names are connected with your own in this intended disloyal soap-box campaign. I believe that every person identified with you in this movement is a yellow bird and an enemy of our country. I believe you are all without patriotism and that ninety-five percent of you are abject cravens.

Now Doc, there is not one of your flock of yellow birds that dares to come and face me and make in my presence the observations and accusations that I make against you and other foul birds. Keep in mind the fact that I am an American of the genuine kind and cannot and will not tolerate disloyalty or treason in my native land.

Not one member of your Teachers' Association should be permitted to teach in the Public Schools of N. Y. and I shall do my part toward seeing that this policy I herein advocate is carried out.

In conclusion, Doc, if you have any of the good red blood in your veins which you should have, you will come to my office at an early date and resent what I am saying to you. If you do not come I shall brand you as a COWARD.

Yours truly,

WCM/FE

To Doctor Henry R. Linville,  
Jamaica High School,  
Jamaica, L. I.

W. C. MOORE

Member of the  
AM. DEFENSE SOCIETY

\*Connecting reference in the New York Sun.

## LOYALTY OF MORE TEACHERS ASSAILED

Schoolmasters' Association Report Attacks Leaders of Teachers' Union.

## LINVILLE HEADS GROUP

Educators to Start Counter Offensive Against Socialist Propaganda.

The decision of a number of school teachers yesterday to take to the soap box in a joint campaign of the National Security League and the American Defence Society to counteract German and Socialist propaganda followed directly a meeting of the Schoolmasters' Association of New York and Vicinity, at which the loyalty of teachers in the New York school system was discussed. At that meeting Cleveland Moffett, author and member of the defence society, declared that there are still 500 teachers in this city who are not heart and soul in sympathy with the war. \* \* \* \* \*

Established 1908

P. O. Box 60  
Wall Street Station

Letter from Henry R. Linville to American Defense Society:

April 23, 1918.

Mr. H. D. Craig.

Secretary, American Defense Society,  
41 East 23rd St., New York.

Dear Sir:-

It may be a matter of surprise to you that one of your members has forwarded to me a letter of extremely threatening nature apparently based on a report of a committee which was published in the Sunday issue of the New York Sun. The committee's report appears to be published under the auspices of your Society. We

By Transfer

Bureau of Investigation

March 17, 1933

are leaving to our lawyer the determination of responsibility for the situation that has now developed.

In the meantime, our organization believes that a basis for common understanding on the matter of loyalty or disloyalty in the school system may be worked out by means of a calm consideration in public of your point of view and of ours. Apparently, we differ very greatly now. We are therefore proposing to you that a joint meeting be held in the very near future, under the direction of a Chairman outside either organization, and that the issue of loyalty be discussed there frankly by the representatives. Your organization and the Schoolmasters' Association have made charges against us which can now be fairly met only in a public meeting, and we trust you will see the situation in this light.

We should be glad if a representative of the Schoolmasters were one of the speakers.

Very truly yours,

HENRY R. LINVILLE,  
President Teachers' Union

#### Letter from American Defense Society to Teachers' Union:

Here appears a cut of the National Emblem with the words, "These Colors Will Not Run."

AMERICAN DEFENSE SOCIETY, Inc.

National Headquarters—44 East 23rd St.,

New York.

May 10, 1918.

The Teachers' Union,  
70 Fifth Avenue,  
New York City.

Henry R. Linville, Esq., President  
Dear Sir:—

Referring to your letter of April 25th regarding a debate upon a basis for a common understanding on the matter of disloyalty in the school system, we have only to say that we stand firmly on the proposition that the question of loyalty is not debatable, and we reject your proposition in every respect.

**Yours truly,**

HENRY C. QUINBY, Chairman Executive Committee

#### Comment on their failure to meet the issue:

The self-appointed champions of the flag have accused the Teachers' Union of disloyalty, and when the Union challenges their organization to join the issue, the American Defense Society evades and runs away. If the A. D. S. is without courage, then it is not a proper champion for the flag whose "colors will *not* run." The A. D. S. has been accused publicly by a former Chairman of its Executive Committee, Dr. Ward C. Crampton, of being a "self-advertising organization." The Teachers' Union submits that to use the flag on letter-heads for advertising purposes is shamefully illegal.

## INTRODUCTION

**O**N OR about April 25, 1918, a pamphlet published by the American Defense Society, called Pamphlet Series, No. 24, was circulated in the schools of the City of New York. The statements of this pamphlet were prepared by a committee of the Schoolmasters' Association, an organization composed of principals and teachers of public and private schools in New York City and vicinity. The title of the pamphlet is "Unpatriotic Teaching in Public Schools," and the sub-title is "The Facts Concerning the Transfer and Dismissal of certain Teachers of the DeWitt Clinton High School, New York City."

Inasmuch as the pamphlet is a sustained attack on the work and the ideals of the officers and the members of the Teachers' Union of the City of New York, it becomes the duty of the Teachers' Union to meet the attack. But if the reply of the Teachers' Union should stop at merely answering the attack point by point, or at indicating the false statements of which the report is full, or at showing the personal motives for the participation of active members of the responsible committee of teachers, or at demonstrating the narrow mindedness and the absence of social understanding of presumably all the members of the Schoolmasters' Association, then the Teachers' Union would fail to meet a far more important responsibility than any or all of these. This responsibility is the justification of its constructive democratic program in an educational system where democracy has been an unused word and autocracy for years has dominated the acts and the thinking of officials and teachers alike.

It will be recalled that on December 19, 1917, three teachers were dismissed from the school system of New York City on the charge of "conduct unbecoming a teacher."

On April 8, 1918, the appeal of the teachers was heard before the State Department of Education. At the time of writing this pamphlet, May, 1918, no decision had as yet been rendered. Meanwhile, during the month of April, *while decision was pending*, a committee of the Schoolmasters' Association, under the auspices of the American De-

fense Society, issued a pamphlet untruthfully entitled "Un-patriotic Teaching in the Public Schools," which concludes with the following:

#### SUMMARY

"Your committee finds unanimously that Messrs. Schmalhausen, Mufson and Schneer were justly dismissed from the service of the Board of Education of the City of New York; that such other teachers in the service as express like views should be dismissed; and that the *plea of the dismissed teachers to the State Commissioner of Education for reinstatement should be denied.*" (our italics)

May we ask the impartial reader what he thinks of this attempt to influence by unfair and undue pressure the State Department of Education? For it is plainly an attempt to corrupt the higher court. Is this the kind of ethics which the representatives of the Schoolmasters' Association and of the American Defense Society consider a proper background for fair dealing and patriotism? What kind of fair-mindedness can we expect from gentlemen who are guilty of so obvious a breach of legal ethics?

In addition, it is well worth noting at the very outset, that the Schoolmasters' report is full of one-sided, inadequate, untruthful and sometimes even malicious assertions. For example, what do they mean by "unpatriotic" teaching, when they themselves admit (on page 8) "the committee was unable to find any proof that any of these teachers had even been suspected, much less accused, of disloyalty by any school official or any teacher. *In fact all the evidence tends to prove the negative of this claim.*" Does this admission mean that the teachers referred to are *not* disloyal but that they are unpatriotic? The logic of this concession to truth clearly implies that the three teachers, though admittedly loyal, are yet somehow or other to be stigmatized as unpatriotic. Where is their evidence of unpatriotism? Assuming their illogical attitude of admitting a person can be loyal *and* unpatriotic, what evidence have they presented to show the teachers are unpatriotic?

Is it conceivable that teachers who are "guilty" of "un-patriotic teaching" are somehow or other not guilty of disloyalty? But since the authors of the pamphlet are at some pains to admit that the three dismissed teachers *are not guilty of disloyalty*, how can they, in one and the same breath, be declared innocent of disloyalty and guilty of un-

patriotism? A nice dilemma for the Schoolmasters' logicians to unravel! Indeed, throughout the pamphlet the concepts "loyalty" and "patriotism" are used interchangeably—which is the normal usage. Of course, the truth is that the teachers were not accused of disloyalty; they were not accused of unpatriotism. What they were honestly accused of will appear in our reply.

There is a real basis for the fierce opposition of the Committee of the Schoolmasters' Association. But it is not even remotely connected with the problems of loyalty and patriotism. The authors of the pamphlet let the cat out of the bag when in their "Preliminary Statement" they say (page 4) "the committee finds that there exists in the teaching staff of the New York City schools a group of teachers who continually oppose any act or policy in *educational affairs*, and, likewise, in municipal, state and national affairs which is not in accord with their individualistic notions with reference to that act or policy." This statement is so significant in what it reveals as to the underlying intentions of the Committee that it will be analyzed in detail in our answer to Charge I.

The method of the educational enemy is to quote as authentic and authoritative a fragment of an assertion which is vouched for by no one in particular. This farcical method reaches its height of absurdity in those unbelievable bits of "evidence" where statement after statement is introduced with the startlingly authentic phrase, "another said," "another report is," "another is quoted as saying," "one exclaimed," "one said." If this be authentic evidence, let's frankly go back to the days of the inquisition.

If the reader will take the trouble to consult the volume of testimony taken at the trial of the three teachers, he will be surprised to discover that all this so-called evidence of the Schoolmasters' Committee is nowhere to be found recorded. We wonder that the Board of Education failed to include so much overwhelming evidence. Or, shall we rather assume that the Board had too much good sense to include such flimsy fragmentary material?

There are many citizens of New York City who are acquainted with the facts and the unprofessional methods of inquiry brought out by the trial and the dismissal of the three teachers of DeWitt Clinton High School. These and

other friends of the Teachers' Union should not dismiss the accusations contained in the pamphlet of the American Defense Society because of their obviously prejudiced character. But they should be patient until we disclose the community of interest of those who prosecuted and those who now defend the prosecutors. To those enlightened citizens who are unacquainted with the facts of this particular controversy, but are acquainted with the social blindness and the mental helplessness of the forces of reaction, there will be much in our recital of facts and interpretations that will be of consuming interest. We trust, however, that if the child-like psychology of our adversaries amuses, there will be no indifference to the dire social menace of continuing in office in the schools these dwarfed mentalities and thousands of others like them.

The Teachers' Union does not pretend to conceal its satisfaction at the prospect the Schoolmasters' Association has opened up for our movement for democracy in education and human justice in its administration. It is altogether probable that we might have waited for years for the opportunity which our reactionary adversaries have thoughtlessly afforded us.

The American Defense Society pamphlet which contains the accusations against the Teachers' Union is very badly organized editorially. The Union's committee finds it extremely difficult to arrange the items in the charges in satisfactory categories. The best that can be done seems to be to make a division in which shall be placed all the charges that are made against the Union or against an ill-defined "group" which to our adversaries seems to represent the Union. In this first division the reader will find items, the statement of which is given in words quoted from the pamphlet "Unpatriotic Teaching in Public Schools", or in a paraphrase. Each item is followed by our answer. The second division of our pamphlet is given over to particular charges against individual members of the Teachers' Union, and to our replies, including a great deal of interesting history in educational administration upon which the reader may build important generalizations of a social nature. Our pamphlet closes with a Summary.

## PART I.

### SECTION I.

#### THE ITEMS IN THE CHARGES OF THE SCHOOLMASTERS' ASSOCIATION AND THE ANSWERS BY THE TEACHERS' UNION.

Item I. (a) "There exists in the teaching staff of the New York City schools a group of teachers who continually oppose any act or policy in educational affairs and likewise in municipal, state and national affairs which is not in accord with their individualistic notions with reference to that act or policy." (Page 4.)

*Our Answer*—The context of this item indicates plainly that the authors of it believe it to be descriptive of the attitude of the Teachers' Union, or of some responsible officers in that organization. But nothing could be further from the truth. The Teachers' Union is a local in The American Federation of Teachers and thru that organization in the American Federation of Labor, and is in honor bound to work for the best interests of the schools and the community. The Teachers' Union never has worked in accordance with "individualistic notions", although it will admit that it has striven to discredit policies which appeared to be conceived on lines of personal interest rather than in the interest of the people.

The Schoolmasters present no evidence whatever to support the first part of the above charge, but content themselves with charging the Union with being "individualistic" here, and "socialistic" later on, showing that they do not understand the meanings of political terms. Thus they bring humiliation on our common profession.

But precisely who are a "group of teachers" referred to in Item I? Why this mystifying vagueness? Why the sinister and dishonest use of the phrase "continually oppose"? We defy the authors to point out specifically any statement in the pamphlet of any *act or policy* either in educational or in municipal, state or national affairs that this so-called group has opposed. If the gentlemen who use the term "opposition" mean criticism, we should like to know exactly when and by whose authority the right of criticism has been abrogated in America? How can a *group*

of persons who are supposed to be so intimately united in thought and purpose be charged with *individualistic* notions? This conception of individualism becomes the more ludicrous in the light of the very next statement in the same paragraph charging this "group" with being socialistic.

The charge of the Schoolmasters that the "group", apparently meaning the Teachers' Union' "opposes any act or policy not in accord with its individualistic notions," evidently is to be taken as an indication that the tory element in education has at last recognized officially the existence of a radical movement which threatens the peace and comfort of those who want things educational to remain as they are. Let us quote from our Intellectual Allies, and incidentally demonstrate whither education is moving.

On the occasion of a mass meeting called by the American Federation of Teachers at New York during the N. E. A. Convention, July 6, 1916, in protest against the arbitrary dismissal of Chicago teachers, because they belonged to a union, Professor John Dewey spoke on "The Professional Organization of Teachers."

We quote these paragraphs from Professor Dewey's address:

"We have lacked a sense of loyalty to our calling and to one another, and on that account have not accepted to the full our responsibilities as citizens of the community.

"To my mind, that is the great reason for forming organizations of this kind, and organizations which are affiliated with other working organizations that have power and attempt to exercise the power like the American Federation of Labor, namely, the reflex effect upon the body of the teachers themselves in strengthening their courage, their faith in one another, and the recognition that they are servants of the community, and not persons hired by a certain transitory set of persons to do a certain job at their beck and call." And again,

"Upon the whole, we have two kinds of teachers' associations. There are the purely pedagogical associations, those that discuss methods of teaching and alphabet and penmanship, and the multiplication table. Nobody ever heard of those associations getting into any trouble, so far as I know. They are a very good thing. They serve a very useful purpose. There isn't a sinister interest in the United States that isn't perfectly willing to leave in the hands of the teaching body the ultimate decision on points of that particular kind, which come to be known as "pedagogy" and "pedagogical methods." There is no certainty, there is no likelihood, however, that the views of the body of teachers, in most of the cities and

towns of the United States will at the present time have any real, positive, constructive influence in determining the basic educational policy of the schools of their communities, so far as a more general aspect of education is concerned. As to things that in the long run affect the life of the community, that affect the relations of capital and labor and so on, the discussions and deliberations of these purely pedagogical bodies are, as we all know, practically impotent.

"On the other hand, there are organizations which do not call themselves unions, which do not in any way affiliate themselves with labor unions and federations, which have performed a needed and a useful task in protecting certain personal interests of teachers, in protecting their salary interests, the tenure and security of office. Strangely enough, some of the leaders of these organizations who have done this purely personal work of looking after the personal interests of a teacher, seem to look with considerable horror upon a federation which shall actually come into relation with a labor union. I don't know why. But there we have had the situation on the one hand of organizations of teachers dealing with purely pedagogical subjects and on the other hand of organizations which are really of a protective nature looking after the personal interests of a body of teachers.

"Now, as I see it, organizations such as are represented here tonight must attempt to get those two things together, to bring together the educational interests which now are discussed in a purely theoretical way, and these other more practical concerns. We should have an organization which shall not on the one hand merely discuss somewhat minute and remote subjects of pedagogy with no certainty as to how their conclusions are going to take effect in practice, nor simply look after the personal and more or less selfish interests of teachers on the other hand. But we should have a body of self-respecting teachers and educators who will see to it that their ideas and their experience in educational matters shall really count in the community, and who, in order that these may count, will identify themselves with the interests of the community; who will conceive of themselves as citizens and as servants of the public, and not merely as hired employees of a certain body of men. It is because I hope to see the teaching body occupy that position of social leadership which it ought to occupy, and which to our shame it must be said we have not occupied in the past, that I welcome every movement of this sort.

"Objections are frequently made—generally, I think, of a snobbish character—against these federations, because of their affiliation with labor unions. I won't stop even to argue against the merely snobbish features of that matter. I would like to point out that these labor unions are engaged in useful service; that they also are servants of the public and it may be that if the more enlightened, more instructed—that is to say, the more lettered portions of the community like the teachers—put themselves fairly and squarely on a level with these other bodies of people who are doing needed and useful service, that they will hasten the time when all

of these unions will look at all of their work and labor, not merely from the standpoint of their personal interests and the protection of these personal interests, important as that is; but also from the standpoint of service to the general public.'

"There is one other thing I want to say. Why is it that teachers—who have not had to live by the labor of their hands and suffered the privations and difficulties of many of the members of the trades unions—have found it necessary in the time of need and extremity to turn for active support, not to manufacturers' associations and bankers' association and lawyers' associations, and the so-called respectable elements of the community, but have had to turn to these bodies of organized labor? I think that is cause for shame and humiliation on the part of the so-called respectable classes; but, I think on the other hand, it is a source of pride and self-respect for the members of these labor unions and is a reason why every teacher should feel proud to be affiliated with the labor unions."—The American Teacher for September, 1916.

Will our readers note how Professor Dewey's analysis of the natural function of a self-respecting teachers' organization is followed up in point of view and in practise by the union teachers themselves?

We quote from the address of Charles B. Stillman, President of the American Federation of Teachers, delivered at the meeting of July 6, 1916:

"Now, just a word of what we do and do not stand for. We do not stand for the protection of incompetents. That the unions do stand for such protection is one of the most frequent charges against us. No one suffers as much as we do from the incompetent teachers—not even the Board of Education. The associates of that incompetent teacher pay the price of her incompetence; and we have never yet defended an incompetent teacher and never expect to. In fact, we have refused to take up the cases of incompetent teachers. But we do insist that a profession—that empty term they are so fond of handing to us in lieu of something to live on, altho we can hardly blame them when we see so many teachers greedily swallow it—we maintain that a genuine profession must have a voice in the determination and application of the standards of its own efficiency. The lawyers have such a voice, and the doctors also; and the teachers alone, among the professions, remain inarticulate, without any chance for a hearing."—The American Teacher for September, 1916.

Somewhere in the following may appear the reason for a suspected fear in the hearts of the educational tories. The union movement has "teeth", but they are used only in the defense of the public interest. This extract from The American Teacher for June, 1917, tells something of the past and future of the New York Teachers' Union:

"The Teachers' Union has agreed to the principle of dismissing incompetent teachers, but it has insisted upon the right of teachers to participate in determining what constitutes incompetence. In the final judgment of a teacher's incompetence the Union demands a public trial as against the method of star-chamber proceedings.

"The Union has defended several teachers thru its legal staff against oppression and inhuman supervision. It has brought charges against a principal for abusing her powers, and has been instrumental in placing abused teachers in schools where they are treated with courtesy and respect. Thru its able lawyer, Mr. John E. O'Brien, whose services are free to the members of the Union, the Union is preparing to question by legal procedure certain policies of the Department of Education which are regarded as detrimental to the welfare of the teachers and to the progress of the schools.

"The Union has aided the Chicago teachers in their splendid fight for the right to organize. It stands ready to support any other body of teachers that is struggling for its professional rights. In the struggle of any individual teacher against unfavorable conditions and against invasions of professional privilege the Union card bids fair soon to be a "don't-worry" insurance worth having.

"A long struggle is being made against the imminence of an increase to a 210-day year, and against the lengthening of the school day. This activity of the Union is in line with its purpose of improving the conditions under which teaching is done."

**And again from the same article:**

"As a recent indication of official good will President Wilcox of the Board of Education said to the president of the Teachers' Union and to the writer that he believed a system of co-operation between the Board of Superintendents, the principal of the several schools, and committees of teachers could work out on practical lines the problem of improving the teaching. This is democracy of the kind the Union wants. Thus, the battle for professional rights is far from being hopeless. Victory will crown our efforts if the teachers will come to the support of the Union in such numbers as will give conviction of the importance of our demands.

"The Union proposes under any circumstances to continue its fight for the protection of teachers against injustice of all kinds, to fight for the elimination of the rating system, to fight for sound and just pension principles, for scientific salary adjustment, for the democratization of schools, for the reform of the psycho-physical examination of children, for a scientific evaluation of the Gary and other special administrative experiments, for a modern course of study, for making the Board of Superintendents a body of specialists, for a small, paid and elective Board of Education, and for the general and fundamental improvement of the schools and their government.

"The members of the Union, united in their opposition to attempts to curtail the intellectual freedom of the teachers, are fighting for the maintenance of the ideals of democracy, for the principles

which our glorious flag symbolizes. They, as other teachers of the embryonic citizens, realize that they must continue their struggle if democracy is to triumph and autocracy to perish. You teachers, in a sense, are the last line of trenches between fighting democracy and fortified autocracy. Whether you realize it or not, on you the fate of the worker and the nation depends. Great is your responsibility and glorious the burden you are called upon to shoulder. Do you feel yourself ready for the battle as the champion of humanity and democracy? If so, join us and help us to win a glorious victory."

Has the Schoolmasters' Association at any time proposed a set of principles like these which were presented by The American Federation of Teachers, and endorsed by The American Federation of Labor in National Convention, Baltimore, November 24, 1916?

1. The right of teachers to organize and affiliate with labor must be recognized.
2. If our children during their most impressionable years are to have the benefit of daily contact with examples of upstanding American manhood and womanhood, and not to be exposed to an atmosphere of servility in the schoolroom, teachers must be given warning and a hearing before being separated from the service.
3. The teacher must be guaranteed the opportunity to make his due influence felt in the community, working thru the school chiefly, but free to work thru all the avenues of citizenship.
4. The control of the teaching staff should be removed from the Board of Education, and placed in the hands of the professional experts, the Superintendent of Schools.
5. If our democracy is not to be crippled at its source, democratic school administration must be secured by insuring to the teacher an effective voice in that administration.
6. The schools must be removed from politics by the application of the merit principle of civil service to the employment, advancement, and dismissal of teachers, thus securing tenure during efficiency.
7. The work of the teacher, now notoriously ill-paid, determines the quality of our future citizenship, and should receive financial recognition more nearly commensurate with its importance to the community.
8. Vocational education should be encouraged, but only under a 'unit system.'
9. The people should directly control educational policies thru the popular election of boards of education.
10. A system of free textbooks is an essential of genuinely free and democratic public schools.

11. Enlightened public policy demands adequate pension provisions for public school teachers.

**Item I. (b)** The members of this group "feel under no obligation to respect the opinions of their superior officers; and they view any official act as 'autocratic', and out of har-

mony with the spirit of ‘democracy’ unless it meets with their complete intellectual approval.” (Page 13.)

In support of the second part of the charge  
**Our Answer:** (1 b) the Schoolmasters say the organ of the

Teachers’ Union, the American Teacher, has published “scurrilous attacks” upon school officials, and has held them up to ridicule. The Schoolmasters might have said truly that The American Teacher “respects neither the opinions’ nor the feeling of that particular kind of superior officer that defies the regulations of common decency as between men and women, or browbeats or covertly insults teachers under his supervision, or wrongly and viciously accuses teachers or pupils under his power”. The magazine *may* criticise the policy of other and respectable superiors, but that is a civic right which apparently the Schoolmasters do not question!

This charge of the Schoolmasters refers to a partially successful campaign started by The American Teacher in November, 1916. It was only partially successful, because the rank and file of the teachers are not yet ready to rise against the imposition of incompetent or immoral supervising officers. Besides, there are many honest and high-minded teachers who still have conventional notions of what is “proper” in methods of improving conditions. These notions operate frequently to permit rascals to maintain their places at the public crib. Thus, the persons who profit by the persistence of conventions are the rascals themselves. The plan of The American Teacher was referred to editorially in the December, 1916, number, as follows:

“The special evil that afflicts the educational system of New York City is what we have designated as ‘wasteful, unfair, incompetent and inhuman supervision.’ The teachers of New York have submitted to this evil in its numerous forms until the ability to realize the conditions under which it affects every teacher has become well-nigh rudimentary. There is widespread dissatisfaction among the teachers in that city, but it has not been clear just how we were to begin on the gigantic undertaking of creating livable conditions free from inhuman supervision. One thing that has always operated to hinder improvement is the fear of the teachers to say or do anything that would give us a good start. Fear is the weapon by which the oppressors keep their power.

“It thus appears that successful campaign against the forces that are responsible for oppressive supervision (and certain forces embodied in human beings are certainly responsible for its maintenance)

must be inaugurated either indirectly with the slow-moving aid of the oppressed, or directly by some method that will undermine the credit and standing of the oppressors more quickly. The latter method has already been inaugurated, and the experiment is being observed by us closely. If our readers will watch the 'Fluoroscope' series they will be interested in our new attempt to 'get under the skin' of the 'System.'"

The first Fluoroscope article appeared in November, 1916, and began as follows:

### The Fluoroscope\*

On numerous occasions The American Teacher has called attention to the fact that educational systems, especially the educational system of the City of New York, have given slight attention to the matter of expressing in definite terms the standards of qualification for the highest positions on the technical staff. The sad result of this indifference to the public welfare is the continuation in office of many principals and superintendents who are far from being fit representatives of an important public service. From time to time we shall stand up some sample characters before the fluoroscope to show what an educational system acting without intelligence and social understanding can really do to us. Our readers will fully understand that years of submission to what outsiders would instantly call intolerable conditions tends to make it difficult for teachers to tell the wholesome truth about their superior officers. That fact operates to protect many officials who should be kicked out of the service summarily. If teachers do not show signs of wanting to rid themselves of so ominous a burden, they will soon be fighting an uphill fight to hold the respect of the public and of the children themselves.

We are asked frequently how such and such a person could be appointed to the position of principal or of superintendent. The answer is either that the appointee is the personal friend of a person already in power, or one known to be ready to carry out the will of that person in power or of the group he represents. There is seldom a thought of a duty to the public, and the appointing power cares nothing for your "mushy" talk about ideals.

The schools of New York City suffer more from the evils arising out of a wasteful, unfair, incompetent and inhuman supervision than from all other causes. We propose to do something to discredit and punish wrong doing in our branch of the public service.

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\* The Fluoroscope, as many of our readers do not know, is an instrument that makes visible the shadowings of the X-rays, and is thus a convenient means for discovering what goes on inside an organic body, or for locating hardware swallowed by a baby.

## I

To his associates on the teaching staff years ago he was a conceited and ill-mannered ass; so is he yet. But it is supposed that the City Superintendent knew he could be relied on to do his personal bidding, and the man who could not command the respect of his fellows while a teacher was appointed to the principalship of a high school. There his subordinates find it advisable to conceal their contempt. "You can't change him," they say, "so what is the us of making a fuss about it?"

The nearer by a tyrant is, the more he can oppress. A principal has only to stride down the corridor and he is on you, while the City Superintendent is miles away, and you may never see him at all. In a system that invites tyranny nothing is more natural than that the principal should slam his fist on the table at teachers' meeting and yell, "That's an order!" "We'll not discuss that; that's my *order!*" Thus our principal gives us a sample of his temperament and of his executive ability. We submit to the insult, for "What's the use of kicking; we can't change him?"

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Our principal is so good an administrator that he can turn over to willing hands the many tasks that would otherwise swamp him. This system of administration besides being followed by our principal is followed by administrators who use the time thus given them for general constructive thinking and planning. But instead of thinking and planning, outside of spasmodic imitations, our superior spends part of his time rushing into the lime-light of the business activity of the school and out again, storming, yelling and stamping hardest at the beginning or at the end of the term when there is most doing. This output of energy on the part of the principal increases the confusion, causes the weary teachers to become more weary, makes the children laugh and gives the village barber more to gossip about.

Between times our principal storms into the general office where a thoughtless boy who "has broken his pledged word" has sat in silent uselessness for an hour or more waiting his turn to be insulted by the superior officer of us all. We hear the loud, harsh voice, we see the straining neck muscles, and the angry face, black with surcharged blood vessels, and we feel the nervous jar set up in our bodies, and still we say, "Oh what's the use of kicking against it all?" "You can't change him." And there we sit and wait stupidly for the storm to pass.

And it does pass, for a pretty girl pupil goes by the window with her physical training class that is marching in the yard. Off the principal rushes to the window, and looking out exclaims to everybody in the room, "My, but that girl has a wonderful complexion! What remarkable hair! And what beautiful eyes and statuesque shoulders." And still, everybody said, "What's the use of kicking? You can't change an old dog like him. Forget about it."

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The identity of this principal was promptly recognized by everyone who knew the high school principals, and of course by the teachers in the particular school. But most of the teachers there strongly disapproved, and some wanted to start a protest, but there was nothing to protest, since the characterization was known to be correct. The article was indirectly responsible for starting an official inquiry. Serious charges of an immoral nature were lodged against the principal, but nothing came of them. A Responsible Superintendent said to a member of The American Teacher staff that an important member of the Board of Education believed the man should be transferred, but that *he would not stand for seeing him punished.* (Italics ours, for the purpose of emphasizing the social insolence of such a statement.) Meanwhile, the school stands discredited and ineffective in its community.

In the case of another principal described by us in April, 1917, the results were more satisfactory, since his promotion to another school was prevented as a direct result of our agitation. Instead, he was sent to a less important school, in spite of the protest of his political sponsor who complained that the man was being demoted.

The Schoolmasters take us to task for all this, and say that we hold "this attitude of mental and moral superiority, and feel under no obligation to respect the opinions of superior officers" (p. 13). And all the support they give for this opinion is the fact that we have attacked certain "superiors" in the manner indicated. But we have turned our attention to other methods of social correction which on the whole pay better.

The Schoolmasters' Association that complains so bitterly because the Teachers' Union and The American Teacher are essentially critical-minded organs of public opinion may be a little dismayed to find that no less a personage than a District Superintendent of Schools, Dr. Arthur C. Perry, Jr. (who has been in the service of the Department of Education for twenty-five years), as recently as December, 1917, wrote in a pamphlet entitled "The Problem Confronting the New Board of Education":

".....Teachers have a cynical attitude as regards the administration of the schools. There is no enthusiasm for their im-

mediate employers, the Board of Education. Their feeling is widespread that they must protect themselves against unfriendly administration, that their employers have little interest in their welfare, and that to gain ordinary consideration they are obliged to use the pressure of legislative enactment or public opinion.

".....Teachers have a skeptical attitude as to recognition of professional merit. They indorse the civil service idea in theory, but have little confidence in the Board of Examiners. Eligible lists for higher positions so far vary from common knowledge as to relative merit that teachers fall back upon the rather uninspiring maxim that virtue is its own reward. The teachers see cases of faithful service and unusual ability overruled by meticulous tests. They note solemn official rulings by the Board of Examiners that a teacher is unqualified to do work that he has already been doing with official recognition of approval.

"Teachers feel, too, that much of the supervision of their work is of a hypercritical rather than of a constructive nature. They feel that in many cases originality and initiative are less desired than conformity with the particular crotchetts of official superiors. It is pointless to deny intention to foster this spirit among teachers and supervisors; the fact is that there is abroad an attitude of subservience on the part of many and of disgust on the part of others because often sycophancy seems to be rewarded. In sheer pity, one sometimes wishes that a law might be enacted compelling 'band wagons' to carry destination signs in plain sight, so that those scrambling to get aboard might avoid accident."

## SECTION II.

Item (a) "A meeting of DeWitt Clinton teachers was hell at the Peg Woffington Coffee House, April 21, 1917, under the auspices of the Teachers' Council of DeWitt Clinton High School, at which many teachers expressed their opinions of the requirement that all teachers sign the loyalty pledge." (Page 5.)

There were three purposes that animated Answer 2 (a): the speakers at the Peg Woffington meeting. The most important was the organization of a public opinion among the Clinton teachers in favor of the eradication of Mr. Dotey's infamous spying system conducted by himself and the Dotey Squad. (Mr. Dotey is a member of the Schoolmasters' Committee which is engaging our attention.) A committee of teachers was appointed to investigate the whole situation. The investigation never came to fruition only because the speedy approach of the vacation interrupted school activities.

The second animating purpose was the organization among the Clinton teachers of a democratic movement, the main object of which was to democratize Principal Paul's conduct, especially in relation to the Teachers' Council and the monthly teachers' meeting.

The third purpose of the meeting was a discussion of the free-minded teacher's attitude toward loyalty pledges exacted under the humiliating incentive of compulsion and official bull-dozing.

Item 2 (b) "The attitude of this group toward the war is regarded as unpatriotic by fellow-teachers, by pupils and by the parents of pupils" (p. 5).

No evidence is offered to prove this startling assertion.  
Answer 2 (b):

Why haven't they the courage to enumerate by name the teachers who regard "the attitude of this group as unpatriotic"? Are they afraid to reveal the sinister fact that at Clinton High School the faculty is sharply divided into two groups: the small but evilly influential clique of manipulators and reactionaries on the one hand and the large group of liberal minded teachers, exponents of open diplomacy and democracy in education, on the other hand?

The teachers know that Clinton High has the largest number of members in the Teachers' Union of any school in New York City. Does the educational enemy refer to them as unpatriotic? Why has not the Schoolmasters' Committee the courage to mention them by name that charges of "conduct unbecoming a teacher" may be brought against them? The failure to specify by name who the unpatriotic teachers are is, in our opinion, a shamefully disloyal act, for which the authors of the pamphlet deserve to be punished. It is a very feeble patriotism that is afraid to come out into the open.

*Which pupils do the gentlemen refer to?*

The members of the Dotey squad? *Which parents* do they refer to? The parents of the members of the Dotey squad?

Item 2 (c) Certain teachers in this group signed a protest against signing the Board of Education's loyalty pledge, under date of April 23, 1917 (p. 5).

**Answer 2 (c):** It is the evident purpose of the Schoolmasters, and for many months has been the more violent determination of their zealous sponsor, the American Defense Society, to put the *brand of disloyalty* upon those teachers who objected to the compulsory signing of a pledge of loyalty. Apparently, it made no difference to the American Defense Society whether the protesting teachers actually signed the pledge or not. It is fair to assume this because a responsible member of the executive committee of the American Defense Society circulated a petition calling upon the Board of Education to dismiss all those teachers who had signed the protest, although a very small number had not signed the pledge. The A.D.S. would deny the right of protest.

The Board of Education's pledge was the second pledge that had been presented to the teachers for signing. The earlier one was called the "Mayor's Loyalty Pledge", and had been formulated by the Defense Committee appointed by Mayor John Purroy Mitchel. Reports came to the Teachers' Union that many principals were compelling teachers and pupils to sign this pledge. The usual form of compulsion which members of an autocratic system well understand was being employed, as it had been employed the year before in the pension bill fight. But a great many teachers, and apparently some members of the Board of Education itself declined to sign the Mayor's pledge, because they believed either that a pledge was unnecessary, or that this movement was being carried out for the political benefit of Mr. Mitchel.

In May, 1917, The American Teacher published the following article showing how the campaign for the signing of the Mayor's loyalty pledge was carried on. This campaign added to the state of irritation against official compulsion in the educational system:

"In New York City, a group of self-constituted guardians of loyalty have in their way helped to prevent their fellow-citizens from appreciating to the fullest that the present is a war for Democracy. Even before the war began, many felt a taste of their guardianship. A pledge of loyalty drawn up by the Mayor's Committee on National Defense was circulated by the Board of Education among the teachers of the city, with the distinct understanding that those who wished might sign. The Committee in its letter to principals, however, said very curtly, "Have your teachers sign the

enclosed pledge of loyalty." War at this time had not yet been declared, and every citizen presumably might still decide for himself whether he agreed with the sentiments of the pledge, which were to all intents and purposes a declaration in favor of war. Many refused to sign it on this ground; while others felt that it was silly to question their loyalty to that government that they loved more than any other. Among these were members of the Board of Education and principals of elementary and high schools.

"In the majority of the schools of the city, however, the greatest possible pressure was brought to bear upon those teachers who did not feel that they could or cared to sign the pledge. One hundred percent was demanded, and what a principal demands he usually gets. This was the first step to impress upon the teachers the essentially democratic purpose of this war. *Sign or get out!* was the slogan of the metropolitan press, which has so often and so unmercifully condemned our President when he refused to do their bidding.

"Some details will not be amiss. In the Boys' High School, Brooklyn, four teachers refused to sign, one of them being a Quaker. At a school assembly the principal, Mr. Janes, in addressing the boys told them that there were four teachers in his school who were a disgrace to the school. In the Girls' High School, Dr. Felter, in an excess of zeal forced every girl to sign, disregarding the order that only those above eighteen be asked to sign. When several girls refused, he ordered them to resign from the Arista, the most important school society. Many of the girls, of course, refused. The president of the Board of Education was informed of this high-handed proceeding. His secretary was astounded when told that many of the signatures had been secured under compulsion. He immediately ordered the principal to revoke his demand, informing him that he had overstepped his authority. In the Commercial High School, Brooklyn, Dr. Fairley took it upon himself to decide that only disloyal teachers would refuse to sign, by sending around an order which read: 'All loyal teachers will sign the pledge.'

"In the De Witt Clinton High School the word was passed around that the names of all those who refused to sign would be presented to the principal. More than twenty teachers publicly protested against this Prussian proceeding. Dr. Paul was slightly taken aback, and in some trepidation, he posted a notice informing the teachers that anyone desiring to withdraw his name from the pledge, or to add his name, might do so.

"If teachers were to be compelled to sign the pledge, one might inquire why the Mayor's Committee should have taken the trouble to call the document in question, a pledge.' A pledge connotes agreement and willingness. If doubt and unwillingness to sign are to be brushed aside as being unworthy of consideration, then let us frankly call the Mayor's document, an article of compulsion—indeed, a draft of the teachers' conscience."

The campaign for the signing of the Mayor's pledge not being altogether satisfactory, it seems to have occurred to the Board of Education that a special pledge should be formulated and sent out to the teachers for signatures. The discussion at the Board meeting in which the form of the pledge was adopted indicated clearly that teachers who refused to sign the pledge should be dismissed. Responsibility for these threats has since been disavowed by the High School Committee of the Board of Education in private inquisition with the President of the Teachers' Union as guest (December, 1917). The official action as interpreted by this committee was that the teachers were *invited* to join with the Board of Education in an expression of loyalty to the President. If the friendly spirit implied in the phrase "The Board of Education invites" had been expressed clearly at the time the form of the pledge was sent to the teachers, it is inconceivable that a protest would have been prepared. And it is altogether probable that the signatures would have been given with enthusiasm, in spite of the fact that the teachers or their representatives had no part in formulating the pledge. It is possible that the pledge would have been improved.

However, as matters stood at the time in the understanding of the teachers, there was deep resentment in the minds probably of hundreds of teachers against this additional act of unauthorized compulsion on the part of educational authorities. The chief reason why more did not sign the protest was fear of the same authorities whom bitter experience has taught us to guard against. The teachers for a long time have been growing restive in the face of the continued assumption on the part of officials that commands have only to be made to be obeyed.

The members of the American Defense Society may possibly be excused for holding an opinion which is common, that teachers like children should do whatever they are told. Our fellow-teachers of the Schoolmasters' Association doubtless also hold this view, and in fact most teachers will agree that submission is a necessary virtue. But the radical movement among teachers is a movement toward professional self-respect.

The protest against the compulsory signing of the Board of Education's loyalty pledge was signed by eighty-

seven teachers. The Teachers' Union had nothing whatever to do with the formulation or the circulation of the protest. Many of the signers are not known to those persons who are particularly attacked by the Schoolmasters. It is therefore only as a professional obligation that the Union takes up the defense of individuals whose sincerity in protesting, it has every reason to suppose is genuine. The protest was addressed and sent to the Board of Education about April 21, 1917. It reads as follows:

“Mr. A. Emerson Palmer,  
Secretary of the Board of Education,  
500 Park Ave., New York City.

Sir:

The public press announces that the following loyalty pledge has been approved by the Board of Education, and is to be exacted of teachers in the public schools of New York City: ‘We, the undersigned teachers in the public schools of the City of New York, declare our unqualified allegiance to the Government of the United States of America, and pledge ourselves by word and example to teach and impress upon our pupils the duty of loyal obedience and patriotic service as the highest ideal of American citizenship’.

Repeated reference to the pledge by members in meetings of the Board of Education indicates that it is the intention of the Board to submit the pledge to teachers in such manner as will practically compel the teachers to sign.

In anticipation of what we understand to be the purpose in this matter, we, the undersigned, teachers in the public schools of the City of New York, desire to offer the following reasons for protesting against signing any pledge *under compulsion*.

1. We are unable to understand why a pledge of loyalty should be exacted of teachers, unless a considerable number of them are known to have engaged in treasonable activities, or to have given utterance to treasonable statements. Otherwise, to subject 22,000 teachers to the humiliation of being coerced into signing a document, which impliedly questions the loyalty of everyone, is unwarranted and unjust.

2. We do not believe that treasonable acts or utterances have been witnessed in the schools of the City of New

York. If any have been so witnessed, we submit that it is the duty of the witnesses, or of the officers of the Department of Education, to call the facts to the attention of the authorities of the United States.

3. None of the public speeches of the President of the United States, our most responsible national officer, have expressed suspicion of any group of citizens. On the contrary, his latest address to the people, under date of April 15, 1917, is a dignified appeal to a free people 'to speak, act, and serve together' in the interests of 'democracy and human rights'. Neither he nor the Congress has threatened coercion of the minds of our citizens.

4. Therefore, as teachers hitherto deemed faithful and worthy employes of the City of New York, and as citizens of the United States, we demand the same freedom from implied suspicion of wrongdoing that is guaranteed to other employes of the City, and to other citizens of our country until charges specifying acts of disloyalty have been made and proved against us.

*In presenting this formal protest against an act of compulsion, we withhold nothing in our allegiance to the spirit and the principles of our American Republic".*

Many newspapers accused the protesting teachers of being disloyal, but the Evening Post interpreted the situation correctly:

#### Fountain Pen Patriotism

Teachers in the high schools and the elementary schools who are protesting to the Board of Education against the compulsory signing of a "loyalty pledge" are justified in their statement that "the humiliation of being coerced into signing a document which implicitly questions the loyalty of every one is unwarranted and unjust." No utterances or actions by members of the teaching force have, since the declaration of war, supplied even an excuse for this general imputation of disloyalty. And even if such instances occurred here or there, it is senseless to forget that we are a community of five million people, and to attach greater importance to an incident in New York than to similar occurrences here or there in the entire State of Illinois. The procedure arouses irritation and creates abroad a false impression of public sentiment. If we heard that the school teachers of Berlin were being compelled to sign a loyalty pledge, how speedily we should jump to the conclusion that the Berlin public schools are permeated with sedition. It is a serious question whether the City Administration has not been ex-

pending energies that might be more usefully employed in the national cause on this fussy patriotism of the fountain-pen. The signing of petitions and pledges means nothing. The West and South have chosen to show their loyalty by rallying to the recruiting offices at a rate that the volatile East might well take to heart.—*The New York Evening Post*, April 23, 1917.

Of those signers personally known to the Teachers' Union committee having in charge the publication of this reply, the following facts may be taken as an indication that signers to the protest are not "pro-German", and that they are pro-American. Mr. D. G. Krane is in the army in France; Mr. A. M. Works is the son of Rear Admiral Works; Mr. H. Heller is in the Aviation Corps; Mr. M. G. Michaels is the most active worker for war interests in DeWitt Clinton High School; Mr. L. Covello has enlisted in the army; Mr. G. M. Lapolla has enlisted in a hospital unit; Miss A. Gertrude Jacob has been in the Friends' Repatriation Service for several months in France; (largely at her own expense); Mrs. Mary J. Mochderffer has been leading important war work in churches; Mr. Meyer Rosenblatt (beyond the draft age) has enlisted in the Engineering Corps, and is now in France. Israel Bludinger is in the army; Mr. M. C. Opperman, over the draft age, has been in service in a Plattsburg Corps. Several others have given conspicuous service voluntarily in several of the kinds of war work.

Item 2 (d) "The American Teacher in an editorial (June, 1917) says 'The (loyalty) pledge has some points of interest, albeit narrow and primitive in its idealism' and that 'it may be well not to be over-anxious to yield or teach loyal obedience yet awhile'" (p. 38).

The Schoolmasters have here deliberately Answer 2 (d): picked out from an editorial two sentences that suited their purpose of making The American Teacher appear disloyal, without directly saying it, which of course they were afraid to do.

They did not quote the first paragraphs which pointed out the futility of a pledge as a means of distinguishing the loyal from the disloyal, *because they knew that was true*, and would be recognized quickly as being true. They were not fair enough, and did not mean to be fair enough, to quote the paragraph which discussed the situation in which unscrupulous interests might conceivably secure power in

our national government as they have in times past and would gain much if they could depend upon the pledged 'loyal obedience' of the citizens. Two of our adversaries on the Committee of the Schoolmasters we understand are licensed to teach the subject of history, and they ought to know that in a country that creates its own government, loyal obedience seems as much out of place as it is unnecessary. Since our government is founded on the presupposed agreement to abide by the laws passed by our representatives, it should not be wondered at if thoughtful persons look with suspicion on the proposal to be loyally obedient to their own elected representatives. In war as in peace the laws hold. There is no standing for anyone on any other footing a democratic government.

Section 3. "An article appeared in the New Republic of May 26, 1917, entitled, "The Religion of Free Men", and signed by members of this group as 'Conscientious Objectors and their Champions'".

As an indication of the dishonest methods practised by the Schoolmasters' committee one of the quotations given in the pamphlet makes the teachers say that "military participation in war is tantamount to committing murder".

Answer: The article itself contains the following *complete* statement: "The one ineradicable fact which no amount of official intimidation can pulverize out of existence is that *there is a type of man* to whom (military) participation in war is tantamount to committing murder." Isn't this complete statement a statement of fact, pure and simple? Hasn't the government officially recognized the existence of that fact in its large grant of tolerance to Quakers and conscientious objectors? Are the Quakers taken to task by any sane patriotic American because they represent the type to whom military participation in war is tantamount to committing murder?

Incidentally, it may be interesting to know that of the twelve teachers who signed the article in question there is not one whose loyalty has ever been questioned; on the contrary several of the signers have been elevated to higher positions in the school system; every one of these persons is rendering faithful service in co-operation with governmental activities. In fact, one of the signers has enlisted.

What shall we say of the ignorant impudence of that Schoolmasters' committee which attacks an article admitted into a journal often referred to as the "semi-official organ of the Administration"? We fear that those gentlemen somehow or other managed to miss the point of the article. The key to the "Religion of Free Men" is contained in the following sentence: "Hence the philosophic value of tolerance. To keep alive genuine tolerance in war time is the greatest single achievement to which rationalists can dedicate themselves."

Professor Lovejoy, whom they rather triumphantly quote as a hostile critic, himself gladly admits: "From the conclusion that genuinely 'conscientious' objectors should be given non-combatant duties to perform, few, I take it, will dissent. Your number appears to be small; and of your scruples, the country may well be generously considerate." (*New Republic*, June 16, 1917.)

The Schoolmasters' committee may not have read the famous Report of the Committee on Academic Freedom in War Time, in which the following illuminating sentence appears: (p. 35) "In framing the draft law of 1917 Congress adopted the principle that persons whose objections to such service are unquestionably due to moral or religious scruples should be exempt. . . ."

The chairman of the committee that issued this liberal-minded report is Prof. Lovejoy.

Item 3 (a) "The leaders of this group are active supporters of the Hillquit-Berger branch of the Socialist Party" (p. 4).

Neither the Teachers' Union nor The American Teacher has any connection with the Socialist Party. Furthermore, not a single person connected with the Union or The American Teacher who has voted the Socialist ticket, whether a member of the Party or not, has been permitted to influence the actions of the Teachers Union or the magazine in the partisan interests of the Socialist Party.

What does the committee mean by the Hillquit-Berger branch of the Socialist Party? If the phrase is intended to imply the endorsement by party members of the St. Louis resolutions, passed by the Emergency Convention of the Socialist Party, opposing America's entrance into the war,

there are several vexing problems for the gentlemen to face: (a) What if they are informed that the majority of the persons under attack are not members of the Socialist party? What if they are informed that those members of the Socialist Party who are under attack did not endorse the St. Louis resolution, but on the contrary exercised their right as Socialists to oppose it? There is no foundation in the "suspicion" that more than one member of the group under attack endorsed the St. Louis resolution. The most vital question involved, which some of us thought had been settled by the Constitution long ago, is whether a teacher's political beliefs shall be construed as a basis for the charge of conduct unbecoming a teacher? Shall a citizen be required to relinquish his inalienable rights when he enters the teaching profession? What a grotesquely un-American doctrine! Imagine a committee of lawyers or physicians or engineers daring to abridge the rights of their colleagues by reference to their private political beliefs!

It may surprise our adversaries, the Schoolmasters' Association, to be informed that in well-informed quarters outside the Socialist Party there is a considerable body of intellectual public opinion which recognizes the right of citizens to differ from the current conviction on issues connected with the war. For example, Judge Hand, in his charge to the jury that heard the case of the Masses editors, said:

It is the constitutional right of the citizen to express such opinion about the war, the participation of the United States in it, about the desirability of peace, about the merits or demerits of the system of conscription, and about the moral rights or claims of conscientious objectors to be exempt from conscription.

It is the constitutional right of the citizen to express such opinions, even though they are opposed to the opinions or policies of the administration, and even though the expression of such opinions may unintentionally or indirectly discourage enlistment or recruiting.

Every citizen has a right, without intent to obstruct the recruiting or enlistment service, to think, feel and express:

(a) Disapproval or abhorrence of any law or policy or proposed law or policy, including the declaration of war, the conscription act, and the so-called sedition clauses of the espionage act.

(b) Belief that the war is not or was not a war for democracy.

(c) Belief that our participation in it was forced or induced by powers with selfish interests to be served thereby.

- (d) Belief that our participation was against the will of the majority of the citizens or voters of the country.
- (e) Belief that the self-sacrifice of persons who elect to suffer for freedom of conscience is admirable.
- (f) Belief that war is horrible.
- (g) Belief that the allies' war aims were or are selfish and undemocratic.

Item 3 (b) "The American Teacher, the official organ of the Teachers' Union, in the November, 1917, number, advocated the election of Morris Hillquit for Mayor" (p. 14).

We challenge any person to find a line Our Answer 3 (b): in the November, 1917, American Teacher which *advocates* the election of Morris Hillquit for mayor. The statement that The American Teacher advocated the election of Morris Hillquit for mayor is certainly not true in the form stated, and becomes true only by inference when the committee of the Schoolmasters manifests that degree of intellectual honesty necessary to get along amicably with honest-minded persons. The article in question is entitled "The School in Politics". It received much favorable comment and some unfavorable comment from various parts of the country. The article was not intended to serve as partisan propaganda for the socialists, but was intended at a time when the political campaign was much in the public mind to bring some pertinent social points of view before the minds of teachers. Our critics would scarcely have the effrontery to take the magazine to task for seeming to stand for "the principle that the city is to be conducted for the people who live in the city, not for the people who make a business of dealing with those who live in the city." They would not dare attack The American Teacher, because the magazine indicates its passing, though definite, interest in the program of a political party, more or less successfully managed, that is primarily concerned with the welfare of human beings rather than with the question of profits or personal favors.

But these critics do dare to ignore what they certainly must know is the main point, the human issue, and endeavor to turn the feeling of the great public against any group that seems to agree in any way with a political party that is credited with having certain reservations of policy on the conduct of the war. In that our critics are dishonest.

Nowhere in the files of The American Teacher, and nowhere in the actions of the Teachers' Union is there any statement which can be made to signify an agreement with the Socialist platform on the war adopted by the Emergency Convention at St. Louis, in August, 1917.

Since the Schoolmasters seem to have given considerable attention to the views of the President of the Teachers' Union, it may be worth while to state that this person does not now, and never has, agreed with the majority report of the St. Louis convention. He has also recognized from the first that the challenge of Germany in connection with the submarine boat policy made inevitable our participation in the war. Furthermore, he interpreted the war as an actual war of defense for our country, in view of the policy of world domination long ago entered upon by Germany, and demonstrated to us concretely by the German admiral in Manila Bay twenty years ago.

Apparently the Schoolmasters are unable to understand the psychology of minds that are organized differently from their own. To them as well as to most of our educational officials, our press and the general run of plain citizens who acclaim Democracy but do not understand its methods, there is only one attitude of mind that a true patriot can have. That attitude is one of impatience and even of accusation against all persons who do not reach the same aggressive conclusion with reference to the war at a given time. Consonant with this state of mind is violence of temper and an ostentatious striking out against anybody and everybody who in any conceivable way objects to the methods by which individuals charged with authority are trying to win the war. These are the persons who denounce as disloyal all who resist illegal compulsion, such as uncalled-for loyalty pledges, and demand that the purposes of the war shall be made clear as essential phases are entered upon.

In this connection it may not be amiss to quote from an editorial by Dr. Frank Crane, appearing in the N. Y. Globe of May 4, 1918. The editorial reads in part:

"There are certain glowing patriots, with a double row of front teeth, who imagine that their loyalty can be best exhibited by turning occasionally and taking a bite at some

one of the rest of us who according to our lights, are also hunting the Hun."

"These seem to be ticklish times. You not only have to be a patriot, but you have to agree in every detail of expediency with each red hot gentleman who thinks he knows just how to win the war."

"It's all right to be a patriot, but it is not necessary also to be an ass."

The Schoolmasters may have forgotten that many Americans thought after the destruction of the Lusitania that our place was beside the Allies fighting the menace to civilization. But the great mass of American people still did not want the war. If President Wilson had been a weaker and a less intelligent statesman America might have been in the war in 1915. But he was re-elected in 1916 on a platform of having kept the nation out of war. When war actually appeared to the great majority of Americans to be inevitable, the act declaring war won overwhelming approval. However, there was a considerable body who were not yet convinced that this war was necessary. There were two ways of handling this situation. One was to hunt down all war opponents and drive them to the trenches, just as would be done in any autocracy. The other step was to keep our democratic ideals clean, and trust to the logic of events and of conviction to work out the national unity of purpose. Happily, the latter has prevailed.

The following authoritative statement by the Executive Council of the American Federation of Teachers was overlooked by the Schoolmasters committee when it was searching for information dealing with the position of the Teachers' Union on the war. Incidentally, it may be important to state to our readers that the Union was one of the very first organizations of teachers in New York to pledge voluntary support to the National government.

#### A STATEMENT OF PRINCIPLES

By the Executive Council of the American Federation  
of Teachers

"Believing that explicit statements of position on national and international problems will make for the unity of national purpose which is essential both for winning the war, and for reconstruction of a new

world after the war; and being aroused by the disquieting symptoms of the threatening cross-currents of purpose, even among those equally determined to win the war the Executive Council of the American Federation of Teachers sets forth the following:

"1 Undivided support is pledged to President Woodrow Wilson, not alone as the constitutional national leader during a national crisis, but as the proved spokesman and interpreter of American spirit and thoughtful opinion.

"2 Without discussing the immediate causes of the World War, it is clear that the world is being remade, and that more democratic forms of society are to replace the old. Powerful constructive forces are at work thruout the war's grim tragedy. Peace when it comes will witness a readjustment of every form of human activity to conform to a higher standard of justice and freedom. In all this, Woodrow Wilson stands preeminently as the prophet in a high place.

"3 The campaign for Universal Military Service seems to us a peculiarly dangerous attack on the policy of the administration. If universal military service proves necessary to win the war, that will be another question, but that is not the contention of its present advocates.

"If the power and desire of Germany for military aggression are not broken, then indeed the world becomes an armed camp, and America must adopt drastic militaristic measures. But we are confidently and grimly determined to win, and to establish a league of nations which will free all peoples from the waste and burden of competitive armaments. We must even then take measures to supply our full quota of an international police force, but the necessary strength of that force cannot be prejudged before the terms of peace, the temper of peoples, and the degree of responsibility of governments to peoples after the war are known. To adopt universal military service now is to discredit our President's demands for disarmament, anti-imperialism, and a league of nations, and we fear that reactionary hostility to our President's liberal policy is the real motive actuating many of the powerful interests behind the campaign for universal military service. Let us utilize our cantonments for universal training for civic service after the war so that we may permanently achieve a sense of social solidarity. But let us prepare for the reconstruction of a new world after victory, and not deliberately offer to America a foretaste of the bitter fruits of defeat before she has begun to fight.

"4 Democracy is the goal. There must be no diversion from its pathway. All who believe in it, every organization favoring it, every forward-looking person must rally in the campaign for its attainment. Enemies there are, even in our very midst, who would betray us—those who seek Privilege, or would conserve everything of the past, those who would derive gain in the midst of immeasurable sacrifice, those who oppose the advance of Democracy anywhere, those who would bring confusion by setting up class, racial or religious prejudices, those who inject doubt and fear into the public mind—all for personal advantage, not as alien enemies, but as Americans, not those desirous of American military defeat, but of the defeat of American and world democracy.

"5 In Labor's hands rest both the decisiveness of our victory, and the kind of world we shall live in, and the kind of life we shall live after the war. The line between producer and parasite is daily being drawn more definitely, and those who work with hand and brain are in all democracies aligning themselves with Labor. The British Labor Party has met the challenge of leadership in the reconstruction with a carefully formulated program that reassures by its sanity as much as by its radicalism. For in these days of the passing and birth of civilizations, while all radicals are not sane, all sane men must persevere be radicals. And American Labor even now handicapped as British Labor has not been for fifty years, is proving the most effective democratic force in our national life.

"6 This has been called a schoolmaster's war. And certainly the super-patriotism and 'regimented docility' of the German people could have been developed only by the German school system, carefully designed to make unthinking obedience implicit in the ninety per cent, and to train the remaining ten per cent in a quasi-leadership instinctively subordinate to authority. Without this subversion of childhood and youth, even Prussian universal military training could not have transformed the German masses into brutalized automata.

"The German object lesson should force America to focus her attention on her schools. To make the world safe for democracy, our schools are secondary only to the winning of the war, if they are not primary in that. Even now many leaders of national influence urge the teaching of a strident nationalism as opposed to internationalism, rather than of a sane nationalism as the basis of the internationalism which is the hope of the world. The generations may grow up actuated by a sympathetic understanding of other peoples, or by an embittered hatred —the schools will decide, and on their decision hangs future peace or war.

"The schools must also consciously specialize in training for that most complex and difficult of all human activities, self-government. One need only to look at the spectacle of misgoverned American cities to realize how lamentably we have failed in the past. We are failing largely because we are starving our schools financially, and almost ignoring them as communities. Surely one of the compensations for the sacrifices of this righteous war, must be a quickened sense of social values finding its important outlet in an educational revolution which will establish in America's schools, 'Democracy in Education: Education for Democracy.'"

CHAS. B. STILLMAN, President  
C. C. WILLARD, Secretary

Chicago, Ill., March 13, 1918.

## "THE AMERICAN TEACHER" NEEDS NO DEFENSE

How meaningless becomes the charge framed by the Schoolmasters' Association against The American Teacher when it is known that among its contributors have been men and women cherished by the thoughtful younger generation

as the great exponents of true democracy in education, among educators, and in life's daily intercourse. Our friends and *contributors* include: John Dewey, James Harvey Robinson, William P. Montague, Harry Allen Overstreet, Morris R. Cohen, Stephen P. Duggan, Paul Klapper, Louis S. Friedland, Sydney Mezes, Felix Grendon, Herman H. Horne (all distinguished professors); Charlotte P. Gilman, Florence Kelley, Winthrop D. Lane, Randolph Bourne, Charles Zueblin, Robert W. Bruere, Ira S. Wile, John Collier, Mrs. Amos Pinchot, Mrs. Agnes Warbasse, Judge Samuel D. Levy, Leonora O'Reilly, Mrs. Ida Fursman, Chas. B. Stillman, Ella Flagg Young (all distinguished publicists and social workers), . . . Could any magazine ask for more democratic and more sincerely progressive supporters? The following are but a very few of the articles chosen from the files of *The American Teacher* as indicative of the universality of its sentiments and the adequacy and sanity of its educational philosophy:

### **AMERICA FIRST!**

In Justice to all, in protecting the weak from abuses—

America First!

In Freedom for all, in destroying privilege and persecution—

America First!

In Opportunity for all, in training for service and devotion—

America First!

In Brotherhood for all, in aspiring toward generous co-operation—

America First!

In Democracy for all, in leading the world forward—

America First!

(Front Page *American Teacher*, May, 1916.

### **ONE YEAR**

A year of war has brought with it many changes in the temper of our people. Not all of the changes are altogether desirable; nor are they all deplorable. They are the changes that will make for a closer unity of national spirit, for a better understanding between sections and classes, for a clearer visualization of ideals. There is evident, despite frequent outbursts of violence and low emotionalism, a mellowing of the militarist thru contact with the physical and spiritual sufferings entailed by the war. There is evident also a gradual acceptance of the necessity for the war on the part of many whose sentiments revolted against the elemental resort to physical force for the adjustment of twentieth century disputes. Many of those who appeared at first hostile

to the national purpose we have come to recognize as being opposed merely to the means adopted; and of these many are becoming not only reconciled to the means, but active, enthusiastic supporters of the administration's war measures. In view of these changes we may be encouraged to hope for a progressive dominance of reason in human relations; and we may be rebuked for our intolerance and our impatience when confronted with antagonistic opinions and viewpoints.

We have the utmost confidence in the statesmanship and in the sincerity of our, of the world's great schoolmaster, Woodrow Wilson. We are with him and with the sound, if not always articulate, sentiment of the great masses of our people, in fighting for universal peace and justice. We realize that these blessings are attainable only when nations like individuals, are honest in their dealings with one another, only when nations, like individuals, seek to live in a way that does not cause harm to others, when each seeks to gain no advantage at the expense of others. We have learned that within the nation we cannot look for peace and justice so long as aggression and exploitation are accepted as the normal and legitimate prerogatives of the powerful and the unscrupulous. And we are learning that democracy means more than being let alone to pursue our private gains, to mind our own business. We are learning that it means a new way of life, a way for all people and all nations to thrive together in mutual helpfulness and considerateness in honor and justice.

We must fight the war through because at its conclusion will be determined whether the ideals of human brotherhood and democracy and justice for all will prevail, or the ancient rule of autocratic brutality and domination. We wish the triumph of the new way of life."

(From The American Teacher, April, 1918)

## TO DEKAISERIZE EDUCATION

Political democracy is making tremendous strides abroad. Even in industry, where the spirit of kaiserism and Divine-Right-Baer, is so strongly entrenched, the workers are asserting themselves to an unusual extent, industrial democracy being their goal. This democratic trend is manifesting itself everywhere except where it should manifest itself most—that is, in our educational system. Democracy cannot flourish in the schools if the teacher "is too often the serf at the bottom of the feudal system without power of initiation, the victim of threats that are *often ignorant and sometimes brutal*. Truly there will remain a fight against kaiserism when its manifestations in Europe are properly crushed."

The death struggle between kaiserism and democracy is on. The educational exponents of kaiserism are trying to crush the champions of democracy thru the inauguration of a reign of terror under the guise of "inquisitions," dismissal for "conduct unbecoming a teacher" and by transfers "for the good of the service." These punishments are not meted out upon evidence that would hold in any court of law, but upon the mere assertions or inferences of official superiors who are interested in crushing their outspoken opponents because they fear the undermining of their power and "leadership." Kaiserism answers its heroic critics

by piling charge upon charge, suspension upon suspension, dismissal upon dismissal. Subserviency and sycophancy are becoming more and more prevalent. The tenure law is dead. Kaiserism, thru autocratic interpretation, has given it its death blow. Democracy is tottering. Will it fall?

The Teachers' Union is now fighting the battle of democracy against the educational kaisers. Its members want to respect their superiors not because they are ordered to, but because those superiors have earned and deserved respect. To get the respect of their subordinates their acts must stand the light of day. The lips of every teacher in the system must be free to utter what his conscience dictates. Criticism must be encouraged and rewarded. Democracy is synonymous with truth and truth stands naked but unashamed! Truth and democracy flourish with publicity but autocracy and kaiserism with duplicity. School officials who cannot stand criticism of their acts are dangerous kaisers who fear democracy and hate the truth. Democracy means freedom of thought, freedom of action. The attack upon teachers for holding views is an attack upon criticism, upon democracy by autocracy, and can have but one result if successful—intellectual subserviency! The Union is unalterably opposed to the autocratic ideal in education, and in industry as well as in government.

The Union proposes to prevent the crowning of autocracy by bringing about the triumph of democracy. Democracy can triumph thru the efforts of the teachers themselves. He who cannot rule himself is unfit to rule or to train others. The teacher must assert himself; he must aid in establishing educational democracy. He should oppose every attack upon freedom of expression. He must insist upon intelligent co-operation of teachers in school administration. Teachers, your efforts may prove abortive but failure is the key to success as the ills of democratic assertion will be cured by still stronger assertion. Today we are living thru an educational nightmare, the product of autocracy. Courageous and respectful self-assertion will usher in the new era of educational democracy and freedom. Join the army of educational democracy and help dethrone educational autocracy.

## PRUSSIA

From you too we have learned,  
But your Militarism is obnoxious to us—  
we'll none of it, nor of any other brand.

We must have Freedom of Thought—  
and mean to have it.

We must have Freedom of Speech—  
and will insist upon it.

We cannot thrive on Compulsion—  
we will resist it.

We cannot tolerate Autocracy—  
and we will overthrow it.

We love Liberty—and mean to fight for it

(Front Page American Teacher, May, 1917.)

## RUSSIA

We salute you in the name of the New Day  
You have arisen in your might  
You have overthrown your autocrats  
You have struck off your chains  
You have moved near to liberty and civilization  
You have taken a long step toward democracy  
You have taught us a lesson

(Front Page American Teacher, April, 1917.)

## NOW

Now we shall convert our Natural Resources into Foundations for the General Welfare,

Not sources of private advantage.

Now we shall make the Public Needs the Occasion for Public Service,

Not sources of private advantage.

Now we shall make Scientific Discoveries the Means of Life More Abundant,

Not sources of private advantage.

Now we shall make the Learning of the Ages the Cherished Possession of all,

Not sources of private advantage.

Now we shall make the World into an unfenced Garden for Men, Women and Children,

Not a Jungle surrounded by Waste.

(Front Page American Teacher, Ja., 1917.)

## NATIONAL HONOR

Let us then so conduct our affairs that those of tomorrow may say: We have used our powers to protect rights and liberties; we have used our forces to promote justice among men.

We have shielded the helpless from aggression; we have dealt fairly with all

We have insured opportunity to every child, and have guarded from hunger and disease

We have grown and prospered without infringing on our neighbors; we have conquered ignorance and greed

We have omitted no word or deed demanded by the welfare of our fellow men; we have shared our abundance for the enrichment of life

.. (Front Page American Teacher, Mar., 1917)

**Item 3 (c) "A number of teachers from this group, among them Gabriel R. Mason, the President of the American Teacher Company, give courses of instruction in the Rand School of Socialism, 7 East 15th Street, New York City"** (p. 4).

In relation to the third assertion concerning the Rand School), it need only be stated that as every honest-minded person knows, the Rand School was created for the purpose of encouraging the study of *Social Science*. It is not called the Rand School of Socialism. The Teachers' Union is glad to call the attention of the Schoolmasters to the fact that some of its most distinguished lecturers have been chosen from among non-Socialists. Some of the courses, we learn, have included the study of anthropology, world literature, history, English, public speaking, dramatics, music, art, physical science, philosophy, etc. These courses have been given to mixed classes consisting of Socialists and non-Socialists. The subject matter of the majority of these courses can in no way be construed to be Socialistic. The lecturers have included such distinguished non-Socialists as Prof. Giddings, Prof. Montague, Prof. Goldenweiser, Mary Shaw, Frederick C. Howe, Padraig Colum, Prof. Overstreet and a host of others well known to those who are acquainted with the Rand School of Social Science.

We cannot let the opportunity pass, but we must call the Schoolmasters to their class in modern economics and sociology. As an introductory chapter let them study a letter written by President Wilson, March 20, 1918, to the Conference of New Jersey Democrats.

"A time of grave crisis has come in the life of the Democratic Party in New Jersey. . . . Every sign of these terrible days of war and revolutionary change, when economic and social forces are being released upon the world whose effect no political seer dare venture to conjecture, bids us search our hearts through and through and make them ready for the birth of a new day—a day, we hope and believe, of greater opportunity and greater prosperity for the average mass of struggling men and women, and of greater safety and opportunity for children. . . .

"The men in the trenches, who have been freed from the economic serfdom to which some of them had been accustomed, will, it is likely, return to their homes with a new view and a new impatience of all mere political phrases, and will demand real thinking and sincere action."

Sociologically speaking, the age in which we live is deeply characterized by a tendency towards socialization. To forward-looking persons, the liberals and the radicals, this tendency is deemed to be historically inevitable, social evolution in a truly progressive direction. To the back-

ward-looking folk, the conservatives and the reactionaries, the impetus to socialization is viewed with trepidation as a tendency that will make for the unsettling of age-old values and sanctions. The conflict between these two types is the most significant, dramatic situation of our time. It causes no surprise in the radical mind to discover that the reactionaries' unanalyzed opposition to this universal *tendency-toward-socialization* is embodied in the denunciatory phrase, "It is socialistic". Why it should be assumed that a socialistic reform is by its very nature something to be abhorred has never been intelligently explained. Surely it is common knowledge that many of the accepted changes in our political and industrial world, now considered part and parcel of the management of a complex state, were only a decade ago irrationally opposed and futilely denounced as "socialistic". As if a mere epithet were an argument! The reactionary intelligence, in its effort to simplify its case against social progress, contents itself with labeling as "socialistic" (and therefore undesirable!) every fundamental modification in the status quo. However, obstructionists are playing a losing game. They are in the plight of the touchingly naive character in Bernard Shaw's "Fanny's First Play", who ultimately and to his overwhelming chagrin confesses "the world has passed me by". The world cannot stop progressing, no, not even to please the static intelligence of the Schoolmasters' Association. How can teachers consider themselves competent to prepare the youth of our great land for the duties of enlightened citizenship if they themselves shut out the most inspiring and far-reaching propositions and programs invented by liberal-minded thinkers? Whatever happens to be one's private intellectual slant, it becomes a moral duty, an intellectual responsibility, to be deeply acquainted with every vital movement making for the socialization and emancipation of the workers. The Nonpartisan League, the I. W. W. propaganda, the newly organized labor movement in Canada, the President's letter of appreciation and sympathy to the Soviets, the meaning and direction of the Russian Revolution—these are all important and interesting subjects of analysis for the enlightened American citizen. The teacher who taboos as of no importance these various powerful movements for social uplift, stamps himself as bourbon and

reactionary, unworthy of the inspiring tradition of free men. We trust that the Schoolmasters' Association and the American Defense Society are not interlocked in a conspiracy to perpetuate a reign of intellectual darkness in our school system. Their suggestions and criticisms reveal them as coming perilously close to approving mediaevalism in education.

Recently, Senator Sherman of Illinois, in a fit of conservative indignation, cried out against the Administration that it was "socialistic." He pointed out thinking that he was contributing to intelligence when he was only contributing to rhetoric) that President Wilson's chief assistants, Mr. Baker, Mr. Creel, Mr. Wilson, Mr. Burleson, are all Socialists. Why doesn't it occur to these futile critics to spend some of their twitching energies in a careful study of the sociological tendencies of our age? Perhaps they will discover that the *public* school is itself an interesting illustration of "pure socialism",—as Dr. Wm. H. Maxwell once called it. Perhaps they will discover that there are certain profound socio-political reasons that make inevitably for that reconstruction of society which they are pleased to call "socialistic." We recommend to the Schoolmasters' Association the thoughtful perusal of the great works of Norman Angell, Noel Brailsford, John Hobson, Sidney Webb, Thorstein Veblen, Bertrand Russell and John Dewey.

The Schoolmasters have given a proof of their hatred of internationalism in an effort to connect some ill-defined persons in the Teachers' Union with that kind of doctrine. It will be sufficient to quote from the ally of the Schoolmasters' Association, Dr. William T. Hornaday, of the American Defense Society, who has written a remarkable pamphlet called "A Searchlight on Germany". As a suggestion of Dr. Hornaday's "nationalism" we quote:

"The only logical conclusion of Germany's career of crime and dirty fighting is, at the close of the war, the contempt, the aversion and the loathing of the civilized world, and a universal policy of non-intercourse. Let Germany go and live with Austria, and the loathsome Turk, in a hell of their own. Can any American not of German birth ever again desire to visit and travel in the land of the criminal Kaiser who started the war, the land of the murderers, ravishers and traitors whom the war brought to the surface? We cannot conceive it possible.

"And after the war is over, the less we hear in America of the German language and of German literature, music, art and science,

the better for all concerned. The German idols one and all lie in the mud, in fragments,—cast down and smashed by the mad-dogs of Germany, and no one else! Americans of German descent may build monuments to their memory but never again can they be set up for Americans to worship."

From a pamphlet called "American and Allied Ideals", written by Prof. Stuart P. Sherman, University of Illinois, and published by The Committee on Public Information, we quote:

"The Allies are not fighting for French or English or American law, justice, truth, and honor, but for international law, international truth, international justice, international honor.

"The new national pride and patriotism developed by this conflict finds its basis in the service which each nation renders to the cause above all nations, the cause of civilized society, the cause of civilized man. The new type of patriot no longer cries, 'my country *against* the world,' but 'my country *for* the world.'

"Humanity is not safe while any nation professes inhumanity. We are not fighting to put the Germans out but to get them in.

"Where shall we look for the ideals of the Allies? Primarily, perhaps, in the utterances of the Allied statesmen at the present time and in the vast literature of the conflict. Take, if you like, Siam's statement of its reasons for entering the war, to 'uphold the sanctity of international rights against nations showing a contempt of humanity.' Or take Mr. Wilson's statement that our motive is not 'revenge or the victorious assertion of the physical might of the nation, but only the vindication of right, of human right, of which we are only a single champion'; or his other statement that we fight 'for a universal dominion of right by such a concert of free peoples as shall bring peace and safety to all nations and make the world itself at last free.'"

## PART II.

### INTRODUCTION.

The Schoolmasters have attacked with particular bitterness the professional careers of four members of the Teachers' Union, Mr. Henry R. Linville, the President of the Teachers' Union, and the three teachers who were dismissed from the educational system in December, 1917, for alleged "conduct unbecoming a teacher". The object of these personal attacks is clearly to discredit the individuals in the eyes of the teaching staff, and ultimately to bring about the downfall of the movement for which these men, with others, have stood.

As we proceed to the consideration of the detailed statements of the committee of the Schoolmasters, concerning the four teachers, we shall ask our readers to take note of the inaccurate and misleading charges uttered and of the rash dishonesty of its methods. In many instances also we shall show that if the Schoolmasters really wanted to try the case frankly with the public as observers, all in what they assume to be the interests of the public, they might have proved their sincerity and might have learned more about the facts by *asking us*. Since they have not done so, we shall not have mercy.

Thruout the analysis of their charges and our replies to them we respectfully urge upon our readers that they maintain a judicial attitude toward what we believe is a clear demonstration of what Professor John Dewey called in the New Republic of December 29, 1917, "two opposed systems of educational philosophy". If the characterization meets with the approval of the readers, we urge further that the apparent point of view of our adversaries be considered in relation to its bearing on the work of the schools and on the purpose of the schools. The decision of this matter transcends the consequences of an academic discussion; it will ultimately mean the crippling or the development of the school as a social institution.

#### THE CASE OF HENRY R. LINVILLE

Item 1. "The committee finds that Mr. Linville's first public attack upon what he designates as "official oppression" was made about twelve years ago, when he filed a list of charges against his principal, Dr. John T. Buchanan, a man who was idolized by every boy in DeWitt Clinton High School who really knew him. The authorities, after giving Mr. Linville full opportunity to prove his charges, did not sustain a single charge. Soon after, he was transferred to the Jamaica High School; but this transfer was not a case of "official oppression", for, under the by-laws at that time, such transfer was impossible without his consent."

The case referred to in the charge was mentioned without the names of the persons concerned, or the school at which the incidents took place, at the meeting of the Teachers' Union

held on December 15, 1917. For reasons of consideration for the names of the dead we are reluctant to go into the detailed history of the case. However, the committee falsely interprets the purpose of the living, and must be held responsible for the consequences.

Our interest in the case is not a personal one. Nor shall we enter upon a description of some of its features for any other reason than that of calling public attention to *practices still in vogue* in educational administration which we believe to be fraught with grave danger to the schools as agencies in a democracy. The following account is taken from documents, such as copies of letters, originals of letters, and copies of testimony given at an official hearing, that are still in the possession of Mr. Henry R. Linville.

In December, 1904, Dr. Frederick Monteser, Teacher-in-charge of the annex of DeWitt Clinton High School at 240 West 109th St., New York, was subjected to a gross personal insult by the Principal of the DeWitt Clinton High School, on the occasion of a conference of the teachers-in-charge of all the annexes of the school. Word of the perpetration of the insult coming to Mr. Linville the next day, he wrote a note to Dr. Monteser expressing sympathy and offering support partly on the ground of friendship, but chiefly for the reason that the outbursts and the insulting conduct of the Principal toward teachers had been so frequent as to constitute an unbearable condition of affairs. It was agreed between Mr. Monteser and Mr. Linville that they should together call on Mr. Henry N. Tifft, then President of the Board of Education, and relate to him the facts concerning the conduct of the school.

After hearing the stories of the two teachers, Mr. Tifft, requested Mr. Linville to prepare a statement of the points that had been made, and direct it to Mr. Frank L. Babbott, then Chairman of the High School Committee of the Board of Education, saying also to Mr. Babbott that the statement was being made at the request of the President of the Board. The conference with Mr. Tifft took place on Saturday, December 24, 1904. The statement to Mr. Babbott was prepared and forwarded to him on Monday, December 26, 1904.

Within about three weeks word came to the two teachers that they were to be transferred to "The Black-hole of Calcutta", a euphemistic title at "Fifty-ninth Street"

for the Girls Technical High School, later to be known as the Washington Irving High School. The teachers immediately went to the Board of Education building, and succeeded in conferring with the President of the Board. They found him non-committal, however, and apparently unwilling to be of assistance. Thereupon, Mr. Linville called on the City Superintendent in his office, and there learned that the City Superintendent had ordered the transfer on the basis of a verbal report of the statement written to Mr. Bab- botten. This interview took place on Saturday, January 21, 1905. On the following day an account of the conversation was prepared by Mr. Linville from memory. An illuminating portion of this conference reads thus:

"W. H. M. (Dr. Maxwell) It makes no difference whether the statements (in your letter) are true or not. I do not believe they are true. Besides you did a very un- professional thing in not coming to your superior officers, Mr. Stevens or myself.

H. R. L. (Mr. Linville) Do you think that there are no conditions which might justify a teacher in complaining of his superior?

W. H. M. Absolutely none."

It being impossible to make headway in this quarter, Dr. Monteser and Mr. Linville the next week started on a tour of interviewing members of the Board of Education. But everywhere they met with discouragement. No one cared to discuss with them the justice of the arbitrary act of transfer, or to consider the situation in the DeWitt Clinton High School, some of the Board members saying that the Principal of the school was a friend of theirs, and they would not listen to the statements, others saying that they knew the statements were true, but as one added, "What is the use of proving what everybody knows about the man?" This statement was made by Mr. Abraham Stern, then the leader of the Board.

This canvass also appeared hopeless until one of the teachers thought of a Wall Street lawyer friend who knew a former president of the Board of Education, also a lawyer of considerable prominence. A brief conversation with the Wall Street lawyer led to his telephoning the former presi- dent, who gladly agreed to use his friendly offices and his influence, altho no longer a member of the Board of Educa-

tion. As the immediate result of this unofficial influence the order for the transfer of the two teachers was rescinded.

However, Mr. Linville was called to the office of Mr. Edward L. Stevens, Associate Superintendent in Charge of High Schools, and informed that he would be required to present evidence of the truth of his charges contained in the letter to Mr. Babbott, or failing in that *he would be severely punished*. Thereupon, Mr. Linville furnished Mr. Stevens with the names of about thirty teachers in DeWitt Clinton High School who were in positions to know the important facts about the conditions in the school.

Mr. Stevens accepted the list of names and officially summoned the teachers to appear before him on February 24 and March 1, 1905. The record made at the time reads, "The teachers were invited to attend by Supt. E. L. Stevens, and upon being asked into the committee room singly were instructed by Mr. Stevens as follows:

"This is not a trial, nor is it even an investigation, being entirely *ex parte*,—but merely a preliminary inquiry. You are called here at the request of Mr. Linville to answer certain questions that he wants to ask you in our hearing.

"It is my duty to inform you that you are under no constraint to answer. You may answer or not, as you wish. Whatever you may say here will be considered as privileged, at least for the present; but whatever you do say, however, at some future time may be the basis of questions before a committee of the Board of Education."

Mr. Linville made formal objection to this instruction to the witnesses on the ground that it was practically an invitation to them not to testify. The majority of the teachers preferred to accept the intimation of Supt. Stevens. They evaded urgent issues. However, several of the witnesses made their statements frankly and with a considerable degree of fullness. The testimony as classified subsequently showed positive statements referring to the Principal of the School under these headings:

- I Lack of Interest in the Scholarship of the School.
- II Low Ideals of a Teacher's Position.
- III Vulgarity.
- IV Untruthfulness.
- V The Use of Humiliating Epithets against Teachers.
- VI Loose Criticism.

- VII The Manifestation of Race Prejudice.
- VIII Failure to Support Teachers in Discipline.
- IX Unfavorable Influence on the Boys.
- X Acts technically contrary to By-laws, or to statutory law.
- XI Advice given to Teachers to do Dishonest Acts.
- XII Professional Dishonesty.

No. X was supported by the testimony of a District Superintendent still in the service, who testified that he had preferred charges against the principal, and that the principal had never been brought to trial.

No. X was also supported by evidence showing that the Principal had been party to a criminal conspiracy by which a new teacher, a personal friend of the Principal, in the first month of the teacher's appointment to DeWitt Clinton High School, had taught in a neighboring endowed school, and that while thus teaching had come to the DeWitt Clinton High School each morning, entered the time of his arrival on the "time-book", and upon leaving the endowed school after teaching there all day had returned in the afternoon to DeWitt Clinton to enter the time of departure from the school. Thus the new teacher was enabled to receive two salaries for the same month, one from the endowed school and one from the City of New York. It appears that after the exposure of the conspiracy the money for this month's work was returned to the endowed school, but *the City of New York never received back the money*, so far as the payroll in the office of the City Controller indicated at the time.

No. XII was supported by proof that the Principal had claimed falsely for years to be the holder of the degrees "A.B." and "A.M." from a small college in the middle West. Telegrams and letters from the President of the college in question were submitted at the "inquiry" which stated that John T. Buchanan had been a student at the college in the early "seventies", but had never received any degree whatever. Associate Superintendent Stevens wrote to the President of the college on his own account, and received verifying statements. The original letters and telegrams sent by the President to Mr. Linville concerning this matter are still available for examination, if the committee of the

Schoolmasters still persists in giving the false impression that none of the charges in that case was proven.

The school authorities now had more evidence than they knew what to do with. Consequently, one might say, they did nothing. In this way the statement of the Schoolmasters that the authorities "did not sustain a single charge" becomes technically true. They did not sustain a single charge, because in general the New York educational system has been intent upon maintaining its autocracy intact, and upon punishing those who attempt to break it down.

In this particular instance, however, the authorities seemed to be satisfied with the condition of stalemate, for neither Principal nor the two complaining teachers were disturbed. All three continued to maintain official relations in the same school building until the month of May, 1907. Then in a morning assembly of that month the Principal told the boys he had just received from an angry parent a letter complaining that his boy had failed in mathematics at the examination of the previous term, and that some teacher of that subject had intimated to the boy to employ him as his tutor. The Principal became very sarcastic, and said of course he could understand why teachers should cause boys to fail and thereby create chances for making some extra money. There was considerable resentment at this among the teachers, and a few made protests to the Principal orally or in writing against his sweeping imputations. Among those who wrote notes was Mr. Linville, and his protest was made the basis of immediate charges by the Principal. The charges were based in part upon the fact that Mr. Linville had prepared and circulated among the teachers of the school a paper which might be called *an appeal to the self-respect of teachers*. It reads as follows:

"To the Teachers of the DeWitt Clinton High School:—

"I am addressing this circular letter to you because I believe there is pretty general conviction in the school that there are certain definite limits beyond which a principal may not go in his treatment of teachers.

"Those of you who heard the Principal's remarks in assembly yesterday morning probably understand that some one or more of our number had been engaged in recommending to parents that their sons should employ tutors. The inference which the Principal in his remarks drew was that these teachers were trying to use their positions and opportunity for illegitimate private gain.

I believe you will agree with me when I say that the effect of the Principal's remarks was that of an indiscriminate attack upon the honor and conscientious attention to duty of everyone of us. Doubtless the great majority of the pupils know nothing of the circumstances, but we can be certain that nearly everyone of us has been or will be subjected to discussion by the pupils at home as well as in the school, and that some will be condemned unjustly by them.

"It is of no avail for the Principal to say, as he has said to me since the event, that of course he did not mean to include those persons who are not guilty. How do the pupils know who are 'guilty,' and who are not? The incontestable fact is that the thing has been said, and childish minds will associate the charges in their own way with whomever they please.

"Aside from the serious nature of this occurrence, I believe that the practice of rebuking teachers in the presence of pupils, no matter how slight the charge, is one that superintendents and authorities in school management would unite in condemning in unmeasured terms. There can be no discipline if teachers are humiliated in the hearing of pupils. Moreover, I believe the time has come for teachers to maintain as a principle that superior officials are under the same obligation to treat subordinates with respect, as subordinates are to treat them with respect. And further, that in all the relations of principal and teacher there shall be neither officious pretense of superior right, nor subservient yielding to imposition.

"If our school proves itself a power for good citizenship, as it has not yet done, we have got to get together and develop some common basis for mutual confidence. Personal imposition, evasion and dishonesty must stop. I say this with the full conviction that the present awful waste of opportunity in the school is a matter of far more serious concern, than is the personal welfare of any individual connected with it.

May 17, 1907. (Signed) HENRY R. LINVILLE."

The hearing on these charges was held in May, 1907, before a joint committee of the Board of Superintendents and a sub-committee of the High School Committee of the Board of Education. The Chairman of the sub-committee made the astonishing statement to the defendant that whatever the Principal had said to the boys it was the duty of teachers to accept without question. No formal charges were ever served, and no judgment was ever rendered, so far as the accused was informed. Mr. Linville asked for a transcript of the testimony. This was promised, but was never furnished.

In October, 1907, Mr. Linville was surprised to note that his salary increase for the fifth year of service as first

assistant did not appear in the check. Upon inquiring at the Board of Education building, he learned from Associate Superintendent Stevens that the trouble of May was probably responsible for the holding up of the increase. Mr. Stevens advised "sitting tight", and it would all come out right. But Mr. Linville declined to sit tight. He interviewed other members of the Board of Superintendents, and from one learned that the Board had taken no action on approving or disapproving the fourth year of service, which they were required to do by law.

As late as December, 1907, no action had been taken on approving or disapproving the service, and the salary remained the same as in the preceding year. In that month during an interview Mr. Linville had with the Chairman of the High School Committee of the Board of Education, it was tentatively suggested by the Chairman that the matter might be adjusted by a transfer outside the Borough. This was agreed to, and Mr. Linville's services were immediately approved by the Board of Superintendents as "fit and meritorious for the completion of the fourth year of service as first assistant". The increase was allowed, and on February 1, 1908, Mr. Linville began service in the Jamaica High School.

Mr. Linville regrets that this history cannot be told without referring in unfavorable light to those who have passed beyond. Very few of the officials who were responsible for the slack management of this case, not to say the indifference to situations that involved points of an unprofessional or criminal nature, are now alive and in service. But the *ideals* which the officials of a half-generation ago apparently held to are conceived to be proper by many in power today. What these ideals are will appear more definitely in the discussion of the cases of the three teachers who were dismissed from DeWitt Clinton High School in December, 1907, for alleged "conduct unbecoming a teacher".

The Teachers' Union believes that the Schoolmasters' Association contains in its membership many individuals who will defend at all times the practises of the educational autocracy which the Union is doing its best to transform into a democracy. In fact, the Schoolmasters have gone on record as approving the report of their committee on

"unpatriotic teaching". If this committee itself has been misled by unscrupulous members, the Union trusts that some honorable and enlightened action will follow.

This section of the reply of the Teachers' Union may be closed with the statement that Mr. A. I. Dotey, a member of the Schoolmasters' committee, was a teacher in De Witt Clinton High School at the time the charges were brought against the Principal. In fact, the testimony shows that Mr. Dotey testified to hearing the Principal use abusive language in addressing a teacher in the presence of other teachers. Mr. Dotey was in the position to know the character of the Principal, and to know the nature of the offenses with which the Principal was charged. The Union may fairly suppose that Mr. Dotey prepared that portion of the report which constituted the challenge that has brought out the Union's reply. And the Union may also fairly suppose that Mr. Dotey wilfully misstated the case, or that he does not think it matters what a principal does so long as he does not "hold any animosity" toward a teacher whom he has insulted, (a proper inference from his testimony given at the inquiry), or that he is responsible for both misstating the case and for holding a low professional ideal of self-respect. We submit that the employment of teachers of this kind for purposes of character-building and for the development of ideals of citizenship is dangerous to the social well-being. The support given to views of this nature by an entire organization constitutes a social menace of the greatest magnitude.

#### .. THE CASE OF SAMUEL D. SCHMALHAUSEN.

Specification 1. Of the Charges Preferred by Superintendent Tildsley:

"That the said Samuel D. Schmalhausen considers it not to be his duty to develop in the students under his control instinctive respect for the President of the United States, as such, Governor of the State of New York, as such, and other Federal, State and Municipal officers, as such."

The reader will observe that Mr. Schmalhausen is not charged with having failed to inculcate *respect*; he is charged with *considering* it not to be his duty to develop in his students *instinctive* respect. The problem therefore

arises whether a teacher who has rendered efficient and loyal service for a period of eight years is to be dismissed from the school system because his conception of the kind and *quality* of respect to be developed in his students differs from that of his Associate Superintendent. As a matter of fact,—simple psychologic fact—it is a contradiction in terms to speak of “*teaching INSTINCTIVE respect*” or instinctive anything else.

As Prof. Dewey says in “The Dial” (April 11, 1918), in relation to the general subject of Education and Social Direction:

“Only ‘Bureaucratic surveillance and unremitting interference in the private life’ of subjects can, in the face of the disintegrating tendencies of contemporary industry and trade, develop that ‘*passionate aspiration for subservience*’ which is a marked feature of the Prussian diathesis. If we look these facts in the face, we shall quickly see the romanticism of any proposal to secure the German type of disciplined efficiency and of patient and persistent ‘industry’ by borrowing a few features of the personal relation of teacher and pupil and installing them in the school. Only an occasional pedagogical Dogberry can rise to the level of a New York School Administrator who would secure permanent good, loyal citizenship ‘teaching (sic) instinctive obedience’ in the schools.

“Taken in this crude form, the desire to Prussianize the disciplinary methods of American schools is too incoherent and spasmodic to constitute a serious danger. A serious danger there is, however, and it lies in the confused thinking which such efforts stimulate and strengthen. The danger lies not in any likelihood of success. Save here and there and for a brief period, the attempts run hopelessly counter to the trend of countless social forces. The danger is that the vague desire and confused thought embodied in them will cover up the real problems involved in securing an effectively loyal democratic citizenship; and distract attention from the constructive measures required to develop the kind of social unity and social control required in a democracy.”

Upon reflection, Dr. Tildsley must surely have realized how untenable his proposition is. In fact, Prof. Giddings, a member of the Board of Education, (himself a distinguished social psychologist) was at some pains to make clear to Dr. Tildsley how unphilosophical his position as to the *teaching of instinctive respect* was. At the trial, one of the counsel for the prosecution having put the question to Mr. Schmalhausen in the phraseology of Dr. Tildsley, upon being reminded of the impossibility of his proposition, conceded the point and withdrew the word “instinctive”. The really important point to bear in mind is that Mr.

Schmalhausen was never charged with having failed to develop in the students under his control a proper respect for the President of the United States, et al. When the defendant emphasized his belief in the unifying value of *reflective* respect, he pointed out the rational and utterly democratic content of that truly appropriate respect which springs from reflection. In referring to a human action as being "instinctive", we have in mind a reaction so deeply rooted in biologic necessity as to be a universal inheritance of the species; a purely automatic or reflex action, an almost instantaneous response to a familiar stimulus. Evolution has imbedded in the nervous system those strangely immediate reactions to environmental stimuli which we call instincts. To speak of *teaching* instinctive anything is to talk foolishness. Of course, we may guide and cultivate instinct; we may reflect upon it; we may rationalize its by-products; but no one can speak with scientific legitimacy of teaching what is, by its very nature, definition and function, presumed and known to be an inborn predisposition. At any rate, we here enter upon a metaphysical problem. The metaphysical nature of Specification I is made the more apparent (and ludicrous) by the repeated insertion of the quintessentially metaphysical phrase "as such". Only Immanuel Kant is competent to pass upon the baffling meaning of "as such"!

Specification 2:

"That in making written criticisms of a certain letter, dated Oct. 22, 1917, addressed to the President of the United States, written by Hyman Herman, a pupil under his instruction, the said Samuel D. Schmalhausen failed to make such criticisms of the contents of said letter as would lead the pupil to perceive the gross disloyalty involved in his point of view as expressed in the said letter."

This "charge" as it stands is just plainly untrue. All the facts surrounding this troublesome letter may well be restated, for they bear momentously upon the whole case against the defendant. The letter was *not written in class*. It was written at home, either by Herman himself or by someone closely related to Herman. The letter was *not read in class*. It was first shown to Mr. Schmalhausen *two weeks after* it had been collected with all the other papers by the head of the English Department. That was the *first*

time that Mr. Schmalhausen was permitted to know that one of his pupils had written this scurrilous letter. Out of a total of *seventy-six* letters handed in to the head of department by the two seventh-term classes who had been asked to write an open letter to the President, *only this one* was considered so reprehensible as to be chosen for the basis of a "charge" against the defendant. In a communication to the Globe (Nov. 22, 1917), the head of the English Department admitted that the vast majority of the compositions were thoroughly patriotic. In her testimony at the trial, she alluded to the luke-warm patriotism of only two compositions. It therefore appears that a teacher is to be dismissed from the school system because, out of a total of seventy-six essays, one composition (written at home) proves to be less than one hundred percent patriotic. When it is borne in mind that the topic in question was admittedly the first political assignment given during that term; when it is borne in mind that the only utterly reprehensible essay had been written at home by a pupil who had not been a member for more than four weeks in Mr. Schmalhausen's class; when it is further remembered that on the day of trial, the offending pupil, upon examination and cross-examination, admitted that the ideas contained in that offensive letter had not been in any remotest way inspired by the teacher, that, in fact, he would have written exactly that sort of letter at that particular time no matter in whose class he was being taught—it becomes all the more astounding and inexplicable how this specification could have been included at all. When, finally, the actual written criticisms made by the teacher, at Dr. Tildsley's request, are carefully reviewed, the stark inaccuracy, not to say, premeditated untruthfulness of Specification 2 is laid bare. Those written criticisms reveal on the part of the teacher so complete, so merciless a disagreement with and disapproval of the sentiments expressed in the Herman letter, that only a hopelessly prejudiced person could dare to assert that the criticisms are only "technical". Do the following incisive criticisms strike the reader as being purely formal and technical?:

"Exaggerated, excessive emotionalism.

"*Is there any sanity in this assertion?*

"Do you take these remarks seriously?

"For a thoughtful student this statement sounds irrational.

"Recall President Wilson's differentiation between the German Government and the German people.

"Not accurately presented.

"Foolish attitude historically.

"Do you believe in its sincerity? (peace offer made by Germany).

"Sorry to find this unintelligent comment in your work.

"Why did you write this?"

\* \* \* \*

At the "trial" Dr. Tildsley disclaimed that any contention was urged that Mr. Schmalhausen was in any way responsible for the sentiments contained in that letter (see p. 90, Testimony). There was never anything said in the classroom which could possibly have given the boy the ideas contained in the letter. This fact was testified to by Herman himself (see p. 133-135, Testimony). Direct evidence exonerating Mr. Schmalhausen *in re* the Herman letter:

(Volume of Testimony, Page 135) (Herman on stand) :

- Q. Did you ever hear Mr. Schmalhausen in class or out of class, or in any way utter any sentiment that is responsible for your writing that letter?
- A. No, sir.
- Q. Did you ever hear him say anything that was against the President or against any officer of the government, or against any policy of the government?
- A. No, sir; never.
- Q. Or against the attitude of the United States in the war?
- A. I have never heard him discuss that question.

On the day of the "trial", in answer to Prof. Giddings' question as to what the defendant thought of the letter, the defendant answered: "I think the worst offensiveness lies in the utterly brutal misconception of the President and his attitude. It is a brutal misconception of the President as a human being and the President as an official, and from that flows all the other statements which imply his (Herman's) tremendous discourtesy and his disloyalty." (Testimony p. 132.)

It must not be forgotten (that as Dr. Paul himself testified) Mr. Schmalhausen was suspended *before* any op-

portunity was given him to correct in personal interview with the pupil the reprehensible letter submitted by Herman. There is also an important psychological fact to note in connection with the whole problem of criticism. As Prof. Dewey pointed out, the public at large, unacquainted with the rather limited, local and private nature of the class-room work, expect the emotional reaction which would be more appropriate if a critic were pronouncing his judgment in the presence of a large audience. No doubt, if Herman had *read* his letter to a crowd, and had his teacher failed to communicate to that patriotic audience his utter abhorrence of sentiments so brutally unfair, there might indeed be some *psychologic* ground for the *inference* that the teacher himself was but luke-warmly patriotic. But when you think the matter over calmly, doesn't it strike you that the written criticisms made by the teacher in the presence, *not* of his offending pupil; in the presence, *not* of his whole class; but in the presence of two persons both occupying official positions and therefore unrelated to the class experience as a whole, doesn't it strike the reader that the criticisms, if anything, lean to the side of excessive and too personal opposition on the part of the teacher? Can't you imagine how intensely severe and direct would have been the additional criticisms of the teacher, had he, *in all fairness*, been permitted to criticise the boy and his composition in the presence of the whole class? No such fair opportunity was ever given. And why not? Obviously because the gentlemen of the prosecution *knew* that such a fair opportunity would have elicited from Mr. Schmalhausen and the pupils so deep and overwhelming a criticism of that reprehensible letter as to forestall and render impossible the execution of their prejudiced purpose against the defendant. If Dr. Paul, the Principal of DeWitt Clinton High School, had been sincere; if Dr. Tildsley had been honest, would they have kept an unbroken silence in relation to Herman's outrageous offense, would they have permitted both the pupil and the teacher to remain innocent of the mischievous contents of that letter until several weeks after the day of assignment? Herman wasn't apprised of the situation and his part in it until after the suspension of his teacher! Mr. Schmalhausen was not apprised of the nature of the Herman letter until it had been in the per-

sonal possession of Dr. Paul and Dr. Tildsley for fully two weeks! Why were these prosecutors so desperately anxious to keep teacher and pupil so separated as to make it impossible for the teacher to counteract the unpatriotic attitude of the boy? How account for this sinister conduct on the part of Dr. Paul and Dr. Tildsley?

The Herman Letter was written at the time of year (late October, 1917), when the East Side boys,—Clinton High is composed of this type,—were being swamped by crude reiterations of all kinds of criticism of the Government, especially in relation to the Conscription Act and the threatened imposition of a rigorous censorship. To one of the teachers whom he interviewed at Clinton High (Mr. Jablonower), Dr. Tildsley, in his attempt to fathom the sources of Herman's cutting point of view, failing to receive any helpful suggestions from the teacher, (who as a teacher of mathematics was not altogether prepared for a discussion of Herman's composition), finally admitted to Mr. Jablonower that most likely the boy's statements were merely an echo of yellow journalism and had undoubtedly been influenced by some of the cheaper newspapers.

Since, as no one will deny, every pupil is essentially the product of numerous *anteecedent* social and personal forces not at all intimately related to the classroom situation; since among these various forces the most conspicuous are the home, the lecture center, the newspaper world, the settlement, the "gang", not to mention all his previous teachers, especially his teachers of English and Economics and History;—according to what peculiar theory of fair play or sane analysis shall we be asked to accept it as reasonable that one teacher,—teacher of English,—who admittedly had had the given pupil under his instruction for less than four weeks,—according to what peculiar theory of fair play, we ask again, shall this most recent teacher in only one and that a minor branch of knowledge, be held responsible for the viewpoints of a student who by his own testimony admitted the overwhelming influence upon his thinking of social forces utterly outside the classroom? Why should one teacher be singled out to be the scapegoat and have to bear the burden of the inadequacies of years and years of complex educational and social influences operating half unconsciously upon the youthful mentality?

Let's imagine this very plausible situation. Suppose Prof. Giddings had assigned to a group of seventy-five of his students a theme on the conduct of the war since America's entrance into the world struggle. Suppose that the President of the University had been told by one of his personal spies (who in turn was informed by a pupil spy) about the nature of the assignment,—which he deemed to be *unwise*. Suppose, again, that all the essays were ordered collected and were turned over to Dr. Butler. Suppose Dr. Butler in the presence of one of the Head Professors, were to blurt out: "Now, I've got him." Suppose further that a representative trustee, summoned for the occasion, and Dr. Butler maintain a scrupulous silence for two whole weeks in relation to those compositions, when without warning, Prof. Giddings is summoned to the private office of President Butler and in the presence of the representative trustee is confronted with one essay (about which he has had not an iota of information or knowledge); suppose, to make a long story short, Prof. Giddings was brought up on the charge of "*conduct unbecoming a teacher*". What would any common-sense person say of the nature of the charge? Would any one in his senses hold Prof. Giddings responsible for what one of his pupils happened to write at home in relation to President Wilson's conduct of the war? And if it is palpably unjust to hold a Professor of Social Science responsible for what one of his students may happen to think in relation to a sociological theme, how absurd it is to attempt to hold a teacher of English responsible for the wild assertions of one student, whose views represented the mental attitude of but one out of seventy-six pupils of the same term under the guidance of the particular teacher. The flimsiness of the charge becomes so evident as to make it impossible for a fair-minded person to believe that the whole affair had ever taken place.

If it be argued that the assignment itself reveals a culpable attitude on the part of the teacher, the adequate reply is (1) that the assignment itself was not made a basis for any one of the four specifications charged against Mr. Schmalhausen by Superintendent Tildsley and (2) that this assignment is but typical of the nature of the socio-political assignments given by various teachers including the head of the English Department, to the Clinton student for years

and years together. It is well to remind the reader that while the "trial" was pending, the mid-term examinations at Clinton High (Nov., 1917), contained among the questions in English such debatable subjects as the following:

"Write brief proper, *affirmative* or *negative*:

We seek no selfish ends in this war.

Conscription is justifiable in a democracy.

"Write in outline form the brief proper:

Strikes.

Revenue by bond issue or taxation."

These questions are perfectly typical of the kind of sociological theme which the History and English departments at Clinton High have emphasized for years. More to the point is the fact that these examination questions had already been assembled and prepared for printing by the head of the English Department *before* Mr. Schmalhausen's assignment became a basis for that inquisition at the school which led to the suspension of the three teachers. The inference is unavoidable that the *true* motive or cause for making the Herman letter the basis of the case against Mr. Schmalhausen was the certain knowledge on the part of the prosecution that only by so doing could they arouse in the uninformed public mind those suspicions and hysterical fears upon which a teacher whose record was above suspicion could be brought into disrepute. There is undoubtedly a certain kind of "patriotism" which, far from being the last, is in reality the very first, refuge of a certain kind of scoundrel.

Specification 3:

"That the said Samuel D. Schmalhausen stated that as an instructor of the said pupil, he would consider it proper to allow the said pupil to write and to read aloud to his classmates similar seditious letters addressed to the President of the United States."

This specification is worded rather unscrupulously. The tricky and altogether illegal insertion of the word "seditious" is reprehensible from every point of view. Not only did Pres. Willcox repudiate the implied accusation of disloyalty so often maliciously repeated against the suspended teachers, but Supt. Tildsley himself (even though it was at the twelfth hour) disavowed the unfair insinuation of disloyalty. If, therefore, there was no charge of disloyalty

either stated or implied,—as the chief spokesmen for the prosecution admit,—what is the meaning of that kind of specification the validity of which depends upon the clear assumption of the existence of a disloyal attitude on the part of the defendant? Then, too, the word "seditious" is a purely legal concept and cannot possibly be made to apply to the letter of a sixteen year old schoolboy written for private consumption. In no true sense can it be said that the letter was "*addressed*" to the President of the United States. No student, even when he writes a letter "to" a governmental official, which however is to be read to his classmates, (if in truth he is called upon to recite at all) really has in mind a direct communication between himself and that official. Lastly, it is worth noting that the specification, revealing as it does a prejudiced mind, contains at its worst not the accusation of an *act* performed, not even the accusation of a declared point of view;—the specification merely *asserts* that the defendant stated that "he *would* consider it proper. . . ." There is no warranty in logic or in law for the assumption that a teacher is a fit subject for suspension or dismissal because of a mental attitude (supposedly) expressed in a purely private interview characterized by a series of hypothetical questions and answers, a mental attitude revealing what he *would* do in some imaginary future, provided, that certain conditions arose in that future which would call forth his hypothetical attitude! It must never be lost to memory that all these specifications are built upon half-remembered assertions supposedly made by teachers who were called to a private interview by the Associate Superintendent. No official minutes were taken, no care was exerted to check up and state accurately on paper what the teachers really said and believed. The unreliability of the human memory, especially as it is reflected in the admittedly interested and prejudiced mind, is too well known a fact to require special attention. And yet, on nothing more substantial than admittedly an inadequate recollection, the chief witnesses for the prosecution managed to make it appear that they had very definite evidence against the defendants. . . . If the reader will consult the volume of testimony taken at the trial (page 110), he will discover in relation to this specification 3 that the defendant insisted (when he was interviewed by Dr. Tildsley) "that a

pupil as intelligent as Herman would never again repeat so offensive a blunder after such serious corrections as were contained in the revised essay. The records of Herman's scholarship indicate the truth of the above statement. *Herman's average record in English for six terms was 95%.*

Just look back at that queer third specification and reconsider how fundamentally preposterous it is. It asserts that the teacher "would consider it proper to allow the said pupil to write and to read aloud to his classmates similar seditious letters. . . ." How is the teacher,—unless he be omniscient,—to know *beforehand* what the contents of a pupil's letter might be? Surely not even the most stupid pedagogue could expect a teacher to prevent a pupil from *writing at home* a letter which might, for all he knew, express sentiments not in accord with his own. If it be said that the topic itself would provoke such unacceptable sentiments, the easy reply is that *as a matter of fact*, in the case under consideration, seventy-five out of seventy-six pupils, *in response to that very same topic*, did write satisfactorily patriotic letters. As for permitting a pupil who had offended for the first time in his career,—admittedly one of the best pupils in the High School,—to read a second letter (the contents of which had not yet been divulged) in class,—only an autocrat, a prussianized pegagogue, would conceive it to be his duty to prevent the *reading* of what might ultimately prove to be a reprehensible letter. No true democrat, no honest student of modern education can stoop to the low level of conduct implied in the proposition that a patriotic teacher would be willing to violate the right of free speech in behalf of mere suspicion. This is the most grossly un-American doctrine that a teacher can preach.

For the especial enlightenment of the self-righteous patriots, we quote some very interesting lines and some very good American doctrines written and approved by that distinguished patriot, the Honorary President of The American Defense Society, ex-President Theodore Roosevelt. In the May "Metropolitan," under the inspiring caption of "Lincoln and Free Speech", the Honorary President of The American Defense Society says:

"Patriotism means to stand by the country. It does not mean to stand by the President or any other public official save exactly to the degree in which he himself stands by the country. It is patriotic to support him in so far as he efficiently serves the

country. It is unpatriotic not to oppose him to the exact extent that by inefficiency or otherwise, he fails in his duty to stand by the country. In either event, it is unpatriotic not to tell the truth—whether about the President or about anyone else—save in the rare cases where this would make known to the enemy information of military value which would otherwise be unknown to him.

"Sedition in the legal sense means to betray the Government, to give aid and comfort to the enemy; or to counsel resistance to the laws or to measures of government having the force of law. . .

"A distinguished Federal Judge recently wrote me as follows: '.....Sedition is different. Anyone who directly advises or counsels resistance to measures of government is guilty of sedition. That, however, ought to be clearly distinguished from discussion of the *wisdom* or *folly* of measures of government, or the *honesty* or *competency* of public offices. That is not sedition. It is within the protection of the first amendment. The electorate cannot be qualified to perform its duty in removing incompetent officers and securing the repeal of unwise laws, unless those questions may be freely discussed.'

"The right to say wise things necessarily implies the right to say foolish things. The answer to foolish speech is wise speech and not force. The republic is founded upon the faith that if the American people are permitted freely to hear foolish and wise speech, a majority will choose the wise. If that faith is not justified, the republic is based on sand. John Milton said it all in his defence of freedom of the press.

"Let truth and error grapple. Whoever knew truth to be beaten in a fair fight?"

How can the Schoolmasters' Association, which avowedly accepts and enthusiastically endorses the leadership of Mr. Roosevelt, commit the great blunder of perverting the splendid definition of free speech in war time immortalized by their patriotic leader? Let the Schoolmasters' Committee read and reread these fine sentences constituting Mr. Roosevelt's patriotic creed in war time and then let them try to find, if they can, even a shred of justification for the specifications already considered in this survey.

#### Specification 4:

"That the said Samuel D. Schmalhausen, as evidenced by newspaper articles printed over his signature has a concept of his function as teacher that renders him unfit to be an instructor of high school students."

The articles in question (only one of which *appeared in a newspaper*) refer to: (1) The Ethics of Wrongdoing, published in May, 1914 (*three and a half years BEFORE* the author of it was accused, partly because of it, of conduct un-

becoming a teacher) was printed in the radical educational magazine, "The American Teacher". It may illuminate several dark points if the reader will bear in mind that the reason-for-existence of The American Teacher has been its telling and courageous opposition to all forms of autocracy in education. It is a little amusing at this late date to have to refer to Dr. Tildsley's attitude toward the article in question. The article was originally written with the intention of contributing it to the monthly conference, which in those ancient days (1914), under the liberal leadership of the then Dr. Tildsley, was the great source of frank interchange of opinion. The article never got itself read primarily because several hours had already been consumed in the reading and discussion of several other excellent essays on the relation between school and life. However, the writer, before submitting that elaborate essay containing many radical sociological viewpoints (The American Teacher version is a condensation), for his Principal's judgment, being admonished not to do so lest those opinions antagonize the Principal, wrote a note to Dr. Tildsley asking for his attitude on the great problem of freedom of thought and of speech. This is what Dr. John L. Tildsley wrote:

"I certainly do believe in free thinking and free speech of well-thought out conclusions. I shall be glad to read your paper. I may not be in accord, but I shall be glad to discuss it with you."

It cannot therefore be asserted with any show of sincerity that "The Ethics of Wrongdoing" was not thoroughly familiar to the chief prosecutor at least three and a half years before it occurred to him that it might be useful to lug in, what he had once looked upon as, to say the least, not an expression of opinion indicative of "conduct unbecoming a teacher". In fact, in the June, 1915 issue of The American Teacher, there appears this bright little note of appreciation, signed by the Principal of the High School of Commerce, *Dr. John L. Tildsley*:

"Editors, The American Teacher:

Your paper is rendering a much needed service. It is desirable for all of us to hear or read things which are not always in accord with our set opinions. We teachers become set altogether too early in our careers. Your paper has a tendency to crack our plaster casts."

A bit of local history will not be out of place. Some time in the autumn of 1913, rumors filled the Clinton High

concerning mal-conduct in office of several students who had been employed by the General Organization as lunch-room assistants. Inasmuch as the facts in the case were never presented either to the faculty as a whole or to the student body as a whole, the fragmentary reports that reached the teachers and the pupils were in the nature of the case saturated with suspicion. Some of the teachers began to realize the gravity of the situation only when several of their students who had hitherto been trustworthy and satisfactory, disappeared from their classes. Rumor had it that they had been either suspended or dismissed. The teachers were not given the facts. Why not? Some of us felt that the star-chamber proceedings, as a result of which some very fine young fellows were driven out of school were not, whatever their decent intention, the kind of judicial procedure which an American sense of fair play, open hearing, trial by jury, demanded as the very minimum of justice. It was as a reaction from the utterly secret and disreputable practise of Mr. Dotey, the official in charge of the star-chamber proceeding, (Mr. Dotey acting as witness, prosecuting attorney, judge, jury and hangman, all in one), that it was decided to discuss the whole subject of ethics in the high schools at the monthly conference. Let it be clearly borne in mind that The Ethics of Wrongdoing was written as a vigorous protest against the spirit of mediaevalism that pervaded the Dotey star-chamber proceeding. It was a passionate protest against brutality and the inquisitorial attitude in relation to adolescent wrongdoing. Anyone familiar with that disgraceful episode,—at the center of which stood Mr. Dotey and his infamous spying squad,—will understand and deeply sympathise with the informal philosophy of tolerance expressed in that article. The writer of it has no apologies to offer. In fact, he is glad to reaffirm his modest faith in the sanity and forcefulness of that plea for social sympathy in behalf of detected wrongdoers. As Thomas Mott Osborne said of the youthful offender: "There is really nothing wrong with the preponderating majority of the boys sent here. All that is needed is a little common sense in treating them." The sentiments contained in The Ethics of Wrongdoing are the familiar humanitarian creed of our time. The reader is referred to the liberalizing works of Professor Bury, Max Nordau,

Francisco Ferrer, Maria Montessori, Thomas Mott Osborne, for a fuller exposition of that humanitarian creed.

Will any humane person object seriously to the following faithful summary of "The Ethics of Wrongdoing"?

"I have abundant faith in our power as teachers to eliminate the petty cases of anti-social conduct flourishing in our midst, provided only that we make our students our comrades, our co-workers. Those who laugh at this plan are the very ones who advocate the mediaeval ethics of persecution, of getting 'even,' of '*Do as I Tell You*'; in short, the ethics of vindictiveness. When our pupils shall have become class-conscious, social-minded citizens, all the problems of morality, now so conflicting, will be in the course of solution. When the boys or girls under our care get to feel that we are honestly their friends, their comrades, interested in the problems that agitate their fathers, their mothers and themselves, social solidarity will become the best guaranty of right social conduct.

"It is we teachers who are sorely in need of a larger, working-class ethics, a social philosophy that will set our minds afame with the desire to fight with our proletarian pupils against the cunning exploiters in 'society.' It is we teachers who are in dire need of a new social outlook; our students will learn their morality from us, you may depend upon it. . . .

"The most conspicuous fact on earth is pain, and knowingly to intensify, by public humiliation and punishment, the suffering of a guilty comrade, man or woman, boy or girl, is criminal, simply criminal.

"Do not expect too much and you will be disappointed less frequently. This world is deeply rooted in imperfections. Why not be as tolerant with others who do wrong as you are with yourself? It would do us all infinite spiritual good. Let's reminisce just a wee bit more. We shall be able to judge the more wisely."

The second article referred to is "The Logic of Freest Speech", printed in *The American Teacher*, November, 1915 (*two years BEFORE* it occurred to Dr. Tildsley and Dr. Paul that it might possibly be used as a basis for the charge of "conduct unbecoming a teacher"). The motive that impelled the prosecution to introduce this article was rankly insincere. Not only is the article both as to date and content utterly unrelated to the nature of the charge drawn up against Mr. Schmalhausen in November, 1917; the article itself expresses a point of view that, as Professor Bury's brilliant "History of Freedom of Thought" abundantly attests, has been the basis of the philosophy of liberal-mindedness since the great and sincere days of the Greek philosophers. The point of view expressed in that article has been, if anything, even more deeply established by the mod-

ern irresistible trend toward intellectual frankness in all affairs concerning the welfare of man. We know that the most recent excursions into dramatic psychology, under the inspiring leadership of the psycho-analysts, Freud, Jung, Jones, Brill, Stanley Hall, have re-discovered and re-invigorated the doctrine of complete freedom of thought and of expression. There are medical reasons,—reasons of psycho-therapeutics,—why it is dangerous folly to choke off self-expression, even when it violates conventional taboos and the so-called “sacred” aspect of life. The truth, the whole truth, and nothing but the truth,—this is the deepest aspiration of the emancipated soul. The key to “The Logic of Freest Speech” is embodied in these excerpts:

“Do we all believe in freedom of speech? I doubt it. We believe in what we approve. What we disapprove, we naturally dislike to hear uttered. Uncongenial utterances irritate us. What we call freedom is merely an accustomed routine: a system of habitual yeas and nays. Every system is a vicious circle. What we oppose we loathe to hear, what we loathe to hear, all the more spitefully do we oppose. Any sensible definition of freedom must make way for exits from this vicious thraldom. I shall propose such a definition of freedom.

“Why should speech be free?

“First—Because everyone at times wants it to be chained. Our instincts are on the side of slavery, the slavery of complacency, the complacency of habit.

“Second—Speech in bondage makes life duller. Dumb mutes do not feel the manifold thrill of living. ‘Silence is golden’ was spoken by a tactful, timid fool. Silence is usually evasion or treachery. Crooked politicians are silent and their silence, ironically enough, is worth its weight in gold.

“Third—The powerful possess income, the meek possess only their tongues. Freedom of speech is the creation of the disinherited. ‘Money talks’ is a cynical truth. Lacking money, the defeated must resort to tongues of fire. Freedom of speech is the only telling weapon in the hands of those who struggle for a finer standard of living.

“Fourth—Freedom of speech cuts athwart the barriers of caste by endowing the mass with insights and prerogatives similar to those possessed by the masters. Only free speech is competent to betray and dethrone the fool in power. Only free speech can build articulations and cohesions between those who suffer and those who would understand them.

“Fifth—Freedom of speech is the visible and meritorious sign of emancipation—emancipation from the tyranny of dogma and of dogmatist. The *freedom* of speech is its right to be critical and revolutionary. There are two types of people who oppose unlimited freedom of speech; conservatives and radicals. Conservatives damn

ths the future and glorify the past. Radicals glorify their surmise of future and damn the dream of all other radicals.

"You may count upon the fingers of one hand the advocates of Freest Speech. Yet only freest speech is roomy enough to allow standing space for all sorts and conditions of believers. Freest speech fulfills my definition of comprehensive honorable freedom."

As to the third article under consideration, "The Tragedy of Mal-Education", published in the New York Call (Oct. 28, 1917), the best defense the writer can make is to repeat that it is scrupulously accurate and scorchingly true. Its main ideas and attitudes are inspired by the educational contributions of the English educator, Dr. Edmond Holmes; the distinguished medical psychologist, Prof. Boris Sidis; the famous psycho-analyst, Dr. Ernest Jones; the Harvard educator, Prof. Paul Hanus; and finally by the works of Prof. Dewey. Even if in places, the expression is rhetorically a little too intense, the facts and observations underlying it are all nevertheless perfectly true: the experience of every intellectually honest-minded teacher. The essence of that "Confessional" is crystallized in the following representative excerpt:

"In my moods of introspection everything becomes so clear to me. I apprehend the large futility of my task. I see that school education does not educate. The discipline of our educational barracks makes children neither happier, nor wiser, nor better equipped to anticipate, and with wisdom to confront life's emergencies. I recall very vividly how William James, in his fine 'Talks to Teachers on Life's Ideals,' said repeatedly that *the function of education is to prepare us for emergencies*. He who could match life's vicissitudes with the most ample resourcefulness was the most educated person. Apply this wise precept to our school education and behold the pathos, the disquieting mockery of it all. Taking our pupils by and large, what crises will they have inevitably to encounter as aspirants in a world of struggle and change?\*\*\*\*Puberty and the distracting dreams of sex; unemployment and the vexatious dreams of ambition; fellowship and the baffling task of reconciling me and thee; citizenship and the bewildering loyalties of Socialism and individualism; humanism and the contradictory appeals of impulse, instinct, reason, reflection, habit, custom and conscience! These are the deeper problems involved in the art of living in a collectivity. What luminous insights into these perplexities are teachers in the habit of opening out to their muddle-headed studentship? Is it humanly surprising that disillusionment (of the whining sort), cheap cynicism, moral quackery, success-clap-trap, spiritual impotence, are the by-products of an education which deliberately, by act of criminal negligence, ignores the unsweet truths about life?"

It will enlighten even the well informed reader to recall some of the most famous pronouncements uttered by our most sincere humanists in behalf of unfettered freedom of thought and of expression. We append only a few because of lack of space. These few, however, epitomize the historic tradition of all true lovers of freedom.

#### PROF. FRANKLIN H. GIDDINGS:

"Our government is based on the agreement both tacit and implied, that the minority shall always have the rights of free speech, of free press, and of free agitation, in order to convert itself if possible from a minority into a majority. As soon as these rights of the minority are denied, it will inevitably resort to secret meetings, conspiracies and finally force. In times of stress, it may be extremely embarrassing for the majority to be hampered in quick, decisive action by an obstinate minority; but nevertheless the recognition of the right of the minority is our sole bond of unity. For this reason, I repeat that any attempt to interfere with the rights of free speech and free press is a blow at the very foundations of our government."

#### THEODORE PARKER (The Mexican War):

"Your President tells us it is treason to talk so! Treason is it? Treason to discuss a war which the government made and which the people are made to pay for? Why, if the people cannot discuss the war they have got to fight and to pay for, who under heaven can? Whose business is it, if it is not yours and mine?

"I think lightly of what is called treason against a government. That may be your duty today, or mine. But treason against the people, against mankind, against God, is a great sin, not lightly to be spoken of."

#### WENDELL PHILLIPS:

"No matter whose the lips that would speak, they must be free and un gagged. Let us believe that the whole of truth can never do harm to the whole of virtue; and remember that in order to get the whole of truth you must allow every man, right or wrong, freely to utter his conscience, and protect him in so doing. Entire unshackled freedom for every man's life, no matter what his doctrine—the safety of free discussion no matter how wide its range. The community which dares not protect its humblest and most hated member in the free utterance of his opinions, no matter how falsely or hateful, is only a gang of slaves.

"If there is anything in the universe that can't stand discussion, let it crack."

#### HENRY DAVID THOREAU:

"Must the citizen ever for a moment, or in the least degree, resign his conscience to the legislator? Why has every man a conscience, then? I think that we should be men first, and subjects

afterwards. It is not desirable to cultivate a respect for the law, so much as for the right. The only obligation which I have a right to assume is to do at any time what I think right.

"A free spoken man, of sound lungs, cannot draw a long breath, without causing your rotten institutions to come toppling down by the vacuum he makes. Freedom of speech! It hath not entered into your hearts to conceive what those words mean. \*\*\* The church, the state, the school, the magazines, think they are liberal and free! It is the freedom of the prison yard."

#### WALT WHITMAN:

"I say discuss all and expose all—I am for every topic openly: I say there can be no safety for These States without innovators—without free tongues, and ears willing to hear the tongues.

"And I announce as a glory of These States that they respectfully listen to propositions, reforms, fresh views and doctrines from successions of men and women.

"Each age with its own growth!"

#### WOODROW WILSON:

"If there is one thing we love more than another in the United States it is that every man should have the privilege, unmolested and uncriticized, to utter the real convictions of his mind. . . .

"I believe that the weakness of the American character is that there are so few growlers and kickers among us. . . .

"Difference of opinion is a sort of mandate of conscience. . . .

. . ."We have forgotten the very principle of our origin, if we have forgotten how to object, how to resist, how to agitate, how to pull down and build up, even to the extent of revolutionary practices, if it be necessary to readjust matters. . . .

"For a long time this country has lacked one of the institutions which free men have always and everywhere held fundamental. For a long time there has been no sufficient opportunity of counsel among the people; no place and method of talk, of exchange of of opinion, of parley. . . .

"I conceive it to be one of the needs of the hour to restore the processes of common counsel. . . .

"We must learn, we free men, to meet as our fathers did, somehow, somewhere, for consultation. . . .

"At this opening of a new age, in this its day of unrest and discontent, it is our part to clear the air, to bring about common counsel, to set up the parliament of the people. . . .

"What are the right methods of politics? Why, the right methods are those of public discussion. . . .

"The only thing that can ever make a free country is to keep a free, hopeful heart under every jacket in it. . . .

"We have been told that it is unpatriotic to criticize public action. Well, if it is, there is a deep disgrace resting upon the origins of this nation. This nation originated in the sharpest

sort of criticism of public policy. We originated, to put it in the vernacular, in a kick? and if it be unpatriotic to kick, why then the grown man is unlike the child. . . .

"Keep the air clear with constant discussion. . . .

"The whole purpose of democracy is that we may hold counsel with one another, so as not to depend on the understanding of one man, but to depend upon the common counsel of all."

### JOHN STUART MILL:

"No one can be a great thinker who does not recognize that as a thinker it is his first duty to follow his intellect to whatever conclusion it may lead. Truth gains more even by the errors of one who, with due study and preparation, thinks for himself, than by true opinions of those who hold them only because they do not suffer themselves to think.

"Where there is a tacit convention that principles are not to be disputed; where the discussion of the greatest questions which can occupy humanity is considered to be closed, we cannot hope to find that generally high scale of mental activity which has made some periods of history so remarkable. Never when controversy avoided the subjects which are large and important enough to kindle enthusiasm, was the mind of a people stirred up from its foundations, and the impulse given which raised even persons of the most ordinary intellect to something of the dignity of thinking beings."

"If either of two opinions has a better claim than the other, not merely to be tolerated, but to be encouraged and countenanced, it is the one which happens at the particular time and place to be in a minority. That is the opinion, which, for the time being, represents the neglected interests."

### CHARLES BRADLAUGH:

"Without free speech no search for truth is possible; without free speech no discovery of truth is useful; without free speech progress is checked and the nations no longer march forward toward the nobler life which the future holds for man. Better a thousand fold abuse of free speech than denial of free speech. The abuse dies in a day, but the denial slays the life of the people and entombs the hope of the race."

### NORMAN ANGELL:

"Now I am suggesting here that we are drifting to a condition of institutions calculated to suppress these heresies, to prevent such questions as these being asked. We believe that it is pernicious that they should be asked at all, and the power of the State is being used for the purpose of preventing it. What I have been concerned to show is that our welfare and freedom really do depend upon our preserving this right of the individual conscience to the expression of its convictions; this *right of the heretic to his heresy*.

"And I base the claim here, not upon any conception of abstract 'right'—but upon utility, our need of heresy, upon the fact that if we do not preserve it, it is not alone the individual heretic who will suffer, but all of us, society. By suppressing the free dissemination of unpopular ideas we render ourselves incapable of governing ourselves to our own advantage and we shall perpetuate that condition of helplessness and slavery for the mass which all our history so far has shown."

### BERTRAND RUSSELL:

"Men fear thought as they fear nothing else on earth—more than ruin, more even than death. Thought is subversive and revolutionary, destructive and terrible; thought is merciless to privilege, established institutions, and comfortable habits; thought is anarchic and lawless, indifferent to authority, careless of the well-tried wisdom of the ages. Thought looks into the pit of hell and is not afraid. It sees man, a feeble speck, surrounded by unfathomable depths of silence; yet it bears itself proudly, as unmoved as if it were lord of the universe. Thought is great and swift and free, the light of the world, and the chief glory of man."

### A MINOR INQUISITION

(Interviews with Hyman Herman *after* the Suspension of  
Mr. Schmalhausen)

Dates of Interviews: November 13, 15, 23. (Italics are ours.)

(NOTE: This is a faithful copy of what Hyman Herman himself noted down immediately after his several interviews. Hyman Herman was officially a fifth term student in November, 1917, and sixteen years of age.)

#### I

Tuesday, November 13, 1917:

The interviewers:

Dr. Francis H. J. Paul, Principal

Mr. Oscar W. Anthony, Vice-Principal

Mr. Aaron I. Dotey, Special First Asst.

Miss O'Rourke, Dr. Paul's Clerk

(Taking notes)

\* Q. You have had Mr. Lapolla twice in this school?  
Do you like him?

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\* It is well to know that at the date of interview Mr. Lapolla was a member of the Flower Hospital Unit of the United States Army, having voluntarily joined the colors in June, 1917.

- A. Yes.
- Q. Why?
- A. Because of his personality and his kindness to his pupils.
- Q. *And for nothing else?*
- A. Well, he stood for liberal ideas and allowed free discussion, that is, free speech in his classroom.
- Q. *You believe a teacher ought to allow free discussion?*
- A. Yes.
- Q. Even on birth control and sex problems?
- A. Well, the instructor ought to judge whether his pupils are mature enough to take it seriously.
- Q. What do you mean by "mature enough"?
- A. He has his class for a term and by studying the general character of his class for the first part of the term, should be able by the latter part, to decide whether his pupils are serious minded.
- Q. If you were now in Poland and Poland were to get its autonomy, what kind of Government would you give it?
- A. The kind the United States has.
- Q. Why not that of Athens?
- A. What might have been good then, may not be satisfactory now.
- Q. But this is no answer. Tell specifically why.
- A. I don't know enough of ancient history to judge.
- Q. *Would you make any change in this Government?*
- A. Yes, I would have the Cabinet elected by the people, and responsible to Congress; and I would take away the veto power from the President.
- Q. Wouldn't that make him like George V. of England?
- A. Oh, he has enough power left.

\* \* \* \* \*

(Then follow questions on the Spanish-American War and personal questions which show the answerer's horror of war, his desire for universal peace, and his belief in "Humanity above all". Further questions are asked on the entrance of this country into war with Germany to which the replies are that it was justified,—after much resentment on the part of Dr. Paul because

questions were asked to be repeated, the listener having failed to grasp their full significance. . . . After much questioning concerning the Open Letter, it was discovered that the culprit after having taken up German History, had changed his mind on finding out the complete autocracy existing in Germany.)

Q. Who is your history teacher?

\* A. Mr. Delaney.

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\* Mr. Delaney, having voluntarily come to the "trial" of the three teachers to testify that he had not *personally* played any part in Herman's conversion, was unfortunately not called to the witness stand by the defense because of lack of time.

Q. So Mr. Delaney made you change your mind?

A. No; but "*Robinson and Beard*" did. (Authors of the famous High School text book in history.)

Q. Did you always write compositions along this line?

A. Yes; during my whole career in High School.

Q. Any in Mr. Schmalhausen's class?

A. No. I came in late into the class and the work was chiefly on the text books.

Q. What periodicals do you read?

A. Leslie's and Collier's.

Q. What newspapers?

A. The "Evening Mail" and "The Evening World."

Q. No other paper?

A. Very infrequently I read "The Call."

Q. You don't buy it?

A. No.

Q. What books do you read?

A. Books by Tolstoi, London, Schopenauer, and Bergson. I also enjoy novels.

Q. Did you read any books by Richard Harding Davis?

A. Only one.

Q. Any by Cooper?

A. Many.

Q. Do you belong to any athletic organization?

A. No.

Q. You attend public meetings or debates?

A. No.

Then follows a lecture on the necessity of physical exercise to relieve the brain and a statement of suspension until father is brought.)

(Finis)

## II

Thursday, November 15, 1917.

Interviewers:

Same as above plus student's father.

(Slow reading of the Open Letter to the President and careful questioning of parent's patriotism. The father proved undeniably his loyalty and on being asked what he would do *were a private instructor to cause such a letter to be written*, answered that he would discharge the teacher.)

\* Q. Didn't you say that you didn't write such a letter in Mr. Loughran's class because you did not know what he liked?

A. *I don't remember having said anything of the sort;* besides, I didn't have a chance to write such a composition because this country was not yet in war and the matter taken up was purely compository and topics of the day (excluding the war).

Q. Who told you Siam was an autocracy?

A. Mr. Delaney.

Q. Doesn't that change the slogan of "War for Democracy?"

A. Siam is too small to be regarded.

Q. But even then (October 22nd), prior to your change in opinion, you admitted Germany was an autocracy.

A. At the time, I wanted to satisfy those who were clamoring that; and at the same time show Siam was more of an autocracy—in fact the only complete autocracy.

Q. What happened after Miss Garrigues went out? Was there any protest?

A. There was a note of protest.

Q. By a majority?

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\* Please notice the brutal insinuation cunningly injected into this malicious query.

- A. No; but a strong minority.
- Q. What did they say?
- A. They remarked that it was improper conduct on the part of an educated woman.
- Q. Nothing else said by the blatant minority?
- A. I was too busy thinking about my letter, since Miss Garrigues had threatened to publish them in "The Times," to hear.
- Q. So you were afraid to have your letter printed?
- A. No; but I wondered how it would be received and how it would look in the papers.
- Q. *What did Mr. Schmalhausen say?*
- A. He quickly quieted the class and proceeded to the regular work.
- Q. Who were loudest in their remarks?
- A. Being taken up with my letter, I didn't observe.  
(Some more questions and a decree of indefinite suspension.)

(Finis)

\* \* \* \*

### III

Thursday, November 23, 1917.

Place: Board of Education; Room 515.

Interviewers:

Dr. Tildsley  
Mr. Pitts  
Several Superintendents

(To the questions asked as to the tone of disrespect, the replies were that it was of the writer's own volition; he wished to be disrespectful and tried his best to be so. He was disrespectful because he had lost respect for one whom he thought not to have given humanity its due respects.)

Q. Who are you to judge?

A. Any official, no matter how high, is mortal and is susceptible to criticism, I being one of the judges, as every human being is.

Q. If Mr. Wilson were to step into this room, would you show any respect?

A. Not if I felt as I have done prior to October 22nd. I'd only extend to him mere courtesy, having merited nothing else.

Q. Would you lose respect for Dr. Paul because he hurt you in urging the Long-Hour Day?

A. I am not considering minor details. A Federal Official loses my respect if he fails to respect the sacred rights of humanity.

Q. What books, papers and periodicals have you read?

Note: Same questions and answers as above, including Cooper and Davis.

(General Discussion about the Draft Law.)

Q. Did you copy any author in your style of writing.

A. *I used my own ideas.*

Q. Do you speak Yiddish?

A. Yes.

Q. Do you contribute to the English or the Yiddish papers?

A. No, never.

Q. What is the Yiddish term for "Your Excellency"?

A. "Eyer Excellentz".

(Discussions on Schopenauer follow.)

Q. Where did you get your idea of "We are dust"?

A. From the Latin: "Pulvis es et in pulverem reverteris". Besides, it is generally accepted as such.

Q. Schopenauer does not use that style?

A. Not that I know of.

Q. Do you attend any debates, public meetings or socialist gatherings?

A. No; in fact, I am a strong Republican and spoke for Hughes during the 1916 campaign.

Q. Were you recognized by The Republican Party?

A. No; I was merely a soap-box orator and spoke on the East Side.

Q. What did you read in Bergson?

A. Only a book on "Dreams."

Q. Did any one tell you to read the book?

A. (After much hesitation) Yes; Mr. Henry A. Schneer.

Q. Why did he tell you to read the book?

A. We had a "Dramatic Circle" which met once a

week before school and discussed modern humor, verse, literature, etc.

Q. What was the first book?

A. "Spoon River Anthology."

Q. Did you pick the book or did he give you cards containing the name?

A. Mr. Schneer gave us cards; but he gave us no books on "Sociology."

Q. Who were some more authors?

A. Leacock and a few others.

(More questions of all kinds from about 9:30 to 1:30; finally three attempts at writing a note expressing regret for the disgrace DeWitt Clinton was suffering. Three attempts brought dissatisfaction and it was arranged that the note should be brought the next day, and if satisfactory, would re-admit him to school. He was also told to be present at three o'clock in Room 704. (Time and place of "trial".) However, the note was not enough and after it had been brought, he was asked to read it before the Assembly.)

(NOTE: Finally, Hyman Herman was transferred to the Morris High School.)

Dr. Tildsley's Method of Handling the Herman Case Testimony, Page 71:

"I have read these comments very carefully three or four times on that letter, and in my judgment there is no condemnation of the writer of this letter as having done a seditious, immoral act. . . . The criticism is for the most part a technical criticism. In my judgment, a letter of that kind should not have been criticized in detail at all. The teacher could have seen at the first glance the spirit of the boy and attitude of the boy, and should have refused to accept such a letter at all, and should have simply written on it a general criticism that this letter shows an absolutely wrong attitude on the part of the boy, that it is essentially seditious and immoral, and then he should have called the boy into his presence and explained that to him and convinced him of that fact."

This delightful bit of hindsight comes too late to be anything more than a pointed commentary upon the lack of intellectual sincerity which characterizes its author throughout. It may be pertinent to ask whether a difference *in judgment* (between a "superior" official and an "inferior") is sufficient basis either in ethics or in law to warrant the

dismissal of said inferior. The inaccurate reference to Herman's letter as being "seditious" and "immoral" carries its own obvious refutation. No honest expression of belief or opinion,—no matter how disrespectful or inadequate,—can be truthfully characterized as "immoral". Both ethics and law emphasize *intention* as the chief determinant of the morality or immorality of an act. If Herman's youthful letter of denunciation is to be characterized as "immoral," what fitting language of reprobation shall we choose for the infinitely numerous, denunciatory criticisms of governmental officials by public citizens since "Government by the people" has been the accepted polity. Dr. Tildsley (who is not a master of style nor a professor of English) naturally confused two words: "disrespectful" and "immoral". He chose the latter word partly because of the necessity for appearing emotionally indignant, and partly because his so-called moral code lacks discriminatory values. His reference to Mr. Schmalhausen's incisive intellectual and moral criticisms of the Herman Letter as representing "for the most part a technical criticism" is a clear violation of the truth in the case. It may not be sufficient to quote the distinguished and impartial authority of Professors Dewey and Montague, (both acute psychologists) to convince the hostile critic of the utter sufficiency, *under the given conditions*, of the criticisms made, *not* in the presence of the offending pupil, *not* in the presence of the whole class, but merely in the formal and private presence of Dr. Tildsley and Dr. Paul. The best and most conclusive evidence of the adequacy and pointedness of the criticisms of Herman's letter is obtained *by a careful and fair-minded reading of the criticisms themselves*. Dr. Tildsley repeats again and again that in *his judgment*, the method of criticism should have been so and so. Well, suppose that he has a method of criticism which he considers to be indisputably superior to that of a given teacher. What's the inference? It's all the more amazing to learn that the possessor of so marvelous a critical method did absolutely nothing to persuade either the offending pupil or the accused teacher of the high validity of that method. One can't escape the conclusion that Dr. Tildsley's self-sufficient attitude was the pure invention of a point of view that sounded eloquent at the "trial". His method in short, was a bold piece of mere guess-work. As

to his charming suggestion that the teacher "should have refused to accept such a letter at all", one fairly gasps at the brazen audacity that encouraged its utterance. How could the teacher have refused a letter which was collected by the head of the English Department two weeks before the existence of the letter was even made known to the teacher? The Associate Superintendent finally achieved a climax of unsurpassable audacity when he gave it as his opinion on the witness stand that the teacher "*should have called the boy into his presence*" and explained that to him and convinced him of that fact (namely, the seditious and immoral nature of his composition)". The grotesque irrelevance, not to say downright impudence, of this suggestion is clearly revealed when it is remembered (as Dr. Paul himself admits) that the teacher was suspended *before* he was afforded any opportunity whatsoever to talk the matter over with his pupil. The object of this speedy suspension, thus preventing a friendly interview of understanding between teacher and pupil, was made perfectly clear by the several attempts of officials at DeWitt Clinton High and the Board of Education, on the inspiration of Dr. Tildsley, Dr. Paul and Mr. Dotey, to bulldoze Herman into making untruthful and damaging statements concerning his teacher. (Re-read carefully the remarkable summary of Herman's interviews.)

*Dr. Tildsley's Educational Theory concerning Pupil Error  
(Case of the Herman Letter)*  
(Dr. Tildsley on the stand)

Testimony, Page 84:

Q. Do you not think that growing youths learn more from having errors pointed out, than from going along where there is no chance for their errors to become manifest?

A. (Dr. Tildsley) I do not.

Testimony, Page 86:

Q. How could you better criticise a boy than by giving him a chance to show what erroneous ideas he has and then correct them?

A. I could get at his erroneous ideas in other ways than by that particular assignment. There are some assignments in the world that are not proper for a classroom in a public school, and this is one of them.

Q. That is to say, that you think it is unsafe for De Witt Clinton High School children to frankly comment upon the attitude of the President of the United States in conducting the war against Germany?

A. Yes, sir.

Q. Although the answers to such assignment in the great majority of cases, according to Miss Garrigue's testimony, are to bring out patriotic essays from the students?

A. Yes, sir, I still maintain that.

Q. You still maintain that?

A. I do.

Testimony, Page 88:

Q. Do you believe that it is right to let boys of this age in the DeWitt Clinton High School write the negative on this topic: "We seek no selfish ends in this world"?

A. I would not give that topic to the boys of DeWitt Clinton High School in war times.

Q. Would you consider it proper to allow students to write an essay on the negative of this proposition: "Conscription is justifiable under a Democracy"?

A. Not when conscription had been adopted by the Government as its policy. I would not allow the boys to write an essay on that subject in the DeWitt Clinton High School.

Q. Would you think that it was proper to permit boys of this High School to write an essay on the subject of "Revenue by bond issue or taxation"?

A. Not during the sale of bonds.

Q. Did you know that those things that I have called your attention to were in the examination papers of the DeWitt Clinton High School given last week? (November 27, 1917.)

A. I am not responsible for those papers.

Testimony of Miss Garrigues in relation to the Assignment.  
Volume of Testimony, Page 27:

Q. The assignment as worded, did it really, in your opinion, call out anything more than such a discussion as we see every day in the various patriotic newspapers?

A. If you put it that way; no.

Q. Exactly the same, is it not?

A. Yes.

Q. And I suppose that you sometimes have commented frankly on the conduct of the war by the President?

Mr. Mayer (Counsel for Prosecution, interrupting): I object to that as immaterial and irrelevant.

Chairman Whalen: That is cross-examination. All right.

Q. Have you not, Miss Garrigues?

A. Well, I feel at liberty to.

Testimony, Page 28:

Q. Certainly. And do you not bear in mind as a teacher that it is such a subject which, through attrition of ideas, really bears fruit in getting some valuable principles forward which it is worth while for the community in general to think about and still be patriotic?

A. This particular question. I do not know that I can say that I feel that way about it. *It was the wording that troubled me, not the question. It was the wording of the question.*

N. B.—Dr. Tildsley, on the other hand, opposed the question utterly. Whose *judgment* counts?

Q. Have I not correctly stated the way the question was worded, "Write an open letter to the President and comment frankly upon his conduct of the war against the German Government"?

A. The wording of the question I do not like.

Q. And at any rate you have nothing to criticise from your own point of view, have you, that frank comment is the perfectly legitimate and proper thing for patriotic citizens whether they are old or young to indulge in; is not that so?

A. I would not answer that question yes or no.

Q. Let us look at it from another point of view. *Would you consider comment upon the conduct of the war by the President which was not frank a proper way to discuss it?*

A. No.

Q. *Therefore, the element of frankness is essential to any discussion which is worth the whole? Is not that so?*

A. I suppose so.

Testimony, Page 29:

Is your trouble not perhaps that you have confused the word "comment" with the word "criticised"?

A. Possibly.

Q. There surely can be nothing wrong in making comments on this subject so long as they are patriotic, can there be?

A. *I believe in debate in the classroom on all current topics.*

Q. This was a current topic?

A. Yes.

Testimony, Page 30:

Q. Now, that you are viewing the subject in the light of your cross examination, do you not think that perhaps after all this was a perfectly legitimate subject to ask for frank comment in the sense of fair comment, on the subject which was of universal interest, and should be of interest to children as well as adults?

A. They are not children. They are about seventeen years.

Q. So much the better. Young men of such mature age?

A. *Of course I think that criticism that comes out in the class is good, because it can be counteracted, but I do not feel that there was sufficient counteraction from the boys themselves. Whether there would have been if the recitation had been continued to the proper end, I do not know.*  
(Our italics.)

N. B.—The reader must remember that at the recitation in question time permitted *only four pupils to recite in class.*

### THE CASE OF A. HENRY SCHNEER

Item 1a. The Schoolmasters say that Mr. Schneer said that "Patriotism should not be discussed in the DeWitt Clinton High School;" that he "does not believe in teaching patriotism." (Dr. Tildsley, P. 200, Dr. Paul, P. 215.)

*Our Answer.* The truth in the case is abundantly revealed in the following evidence quoted from the volume of the Testimony, P. 252 and 253:

(Mr. Mayer, counsel for prosecution, cross-examining Mr. Schneer) :

Q. Would you teach a boy, unqualifiedly, that one of his first duties, as a law-abiding citizen, is patriotism.

A. Unqualifiedly and emphatically.

Q. Now, what do you mean by patriotism?

A. Patriotism to me means Americanism. Americanism to me means democracy. Democracy to me means civic service, therefore, patriotism finally means to me service to the community.

Q. Service to the community?

A. Always to the community.

Q. Does it mean service to the constituted authority?

A. Always as a part of the community, we must obey the laws laid down by constituted authorities.

Q. In time of war?

A. Yes, at all times.

On page 210 of the Testimony, Dr. Tildsley, under cross-examination by Mr. Smyth, admits that Mr. Schneer agreed with his definition of patriotism.

Q. Didn't he agree with your definition of patriotism?

A. I think he accepted my definition of patriotism; yes, sir.

1b. The Schoolmasters say (Pamphlet, P. 24) that Mr. Schneer "would not allow a person in a khaki uniform to appear on the platform of the DeWitt Clinton High School and speak to the students."

"Later on, he said that if a person wearing a khaki uniform was allowed to speak, he would insist that a person who would present the opposite side be allowed to speak at the same time." (T. 21, T. 15, Anthony, 221.) So the Schoolmasters' Committee asserts. What is the truth? Mr. Schneer actually said that he would permit both a soldier and a civilian to address the student body on the various phases of service to the government in time of war, both military and non-military, specifically mentioning Walter Lippman as a proper speaker on the latter phase of service. As Dr. Tildsley himself testified (P. 211 of Testimony): "He certainly did allude to Walter Lippman, and say that, in fairness to the boy, those who did not have the uniform as well as those who did have a uniform should be entitled to speak."

1c. The Schoolmasters assert (Pamphlet, P. 24) that Mr. Schneer "does not believe that the Board of Education has any right to have military training in the schools" (T. 201, P. 215). What Mr. Schneer actually did say is that military training should not be *introduced* in the schools. The testimony speaks for itself. On P. 211 of the testimony, Dr. Tildsley says: "I made a statement that I believed the best authorities were agreed that military training for boys was not a desirable thing; that is, for the purpose of producing soldiers." And again on P. 215, Dr. Paul had to admit the whole truth.

Q. Then it was all a question of a policy which had not even reached a nebulous form, was it not?

A. (Dr. Paul) It was a question of a policy which had not yet come up before the Board .

The attitude of the Board itself has always been opposed to the introduction of militarism as is shown by the following statute:

No. 713. Laws of 1910:

"Nothing herein contained indirectly shall be construed to authorize military training or drill in the public schools during school hours."

d. "He wrote, in or about the year 1917, a bibliography of contemporary literature, copies of which he caused to be placed on sale in the store of the DeWitt Clinton High School, which contained references to works which should not have been called to the attention of the students of that school."

Note: This pamphlet ("A Brief Guide to Contemporary Literature") contains, in the words of Mr. Schneer, "a booklover's humble choice of the 'best' that is being thought and said in contemporary letters—in Fiction, Poetry, Social Theory, Science and Philosophy." (Pamphlet, P. 2.)

The committee fails to state directly their objections to the Bibliography, which is a small pamphlet of twenty pages, containing a list of the standard books of our time. Of the 200 books listed in the pamphlet, the committee selects but ten or so as being "unsuitable" for the students of the DeWitt Clinton High School. On what grounds? They do not say, definitely. We are asked to judge for ourselves the nature of their objection and to this effect they enum-

erate a few titles and sub-titles which *they themselves* have chosen from the pamphlet. Before taking up in detail the nature of the books objected to, we wish to remind the committee that the Schneer pamphlet IN NO WAY features one type of book to the exclusion of others. So that the principle of selection is distinctly that of the committee's. Modern psychology teaches that books *in themselves* cannot be objectionable; it is rather the *subjective state of the contemplative mind* that determines the objection. As the saying goes, "To the pure, all is pure." We take it then that only 5 percent of the entire pamphlet is objectionable to the committee, whatever their objection may be.

It will surprise the reader to find that all the books objected to (and all the books in the pamphlet) are none other than the great masterpieces of contemporary literature and may be found in the Public Library. In fact, most of them are ON THE OPEN SHELVES of the circulation department.

We submit herewith a partial list of the contents of the pamphlet including all the books objected to. The latter are printed in italics.

#### Partial List of Books in the Pamphlet

##### Non-Fiction

###### PHILOSOPHY

- Bergson: Creative Evolution  
James: The Meaning of Truth  
Dewey: Creative Intelligence

###### BIOGRAPHY

- Mill: Autobiography  
Kropotkin: Memoirs of a Revolutionist  
Renan: Life of Christ

###### ESSAY AND CRITICISM

- Ellis: The New Spirit  
Hamerton: Intellectual Life  
Huneker: Egoists  
Bergson: Laughter  
Key (Ellen): Love and Marriage

###### SOCIAL THEORY

- Addams: A New Conscience and an Ancient Evil  
Hillquit: Socialism  
Dewey: Democracy and Education  
*Eltzbacher: Anarchism*

###### SCIENCE

- Crile: Man—an Adaptive Mechanism  
*Ellis: Psychology of Sex*  
Metchnikoff: Prolongation of Life  
Freud: Interpretation of Dreams

###### DRAMA

- Galsworthy: Justice  
Shaw: Man and Superman  
Rostand: Cyrano de Bergerac  
Brieux: Three Plays  
Barrie: Half Hours  
Moody: The Great Divide

## Fiction

Note: These contain subheadings, originated by the defendant (sub-titles)

- Rolland: Jean Christophe*  
Arias of a vibrant soul.
- Bennett: Hilda Lessways*  
Drabs of the daily grind.
- Dostoievsky: Crime and Punishment.*  
The weird wraiths of the soul.  
Sorrows of the Willows of the World.
- Artzibasheff: Sanine.*  
The wilder fires of sex.
- London: The Call of the Wild.*  
The grim rhythms of the primitive.
- France: The Red Lily*  
With the wine of its crimson petals.
- Flaubert: Madame Bovary*  
The clouded crystals of love.  
Violets of tenderness.
- Levi: Iceland Fisherman*  
Violets of tenderness.
- Andreyev: The Seven Who Were Hanged.*  
The wailing chasms of the world.
- Butler: The Way of All Flesh*  
The clattering of ikons.
- Conrad: Under Western Eyes*  
The deep abysses of the soul.
- Hardy: Tess of the D'Urbervilles*  
The fugues of sylvan harpsichords.
- Moore: Esther Waters*  
Ebbtides of the lowly.
- Sudermann: The Song of Songs*  
The cold grays of lovelight.
- Sinclair: The Divine Fire*  
Warm with struggling manhood.
- Tolstoy: Kreutzer Sonata*  
Shadowed Strains of Love.
- Turgeneff: Virgin Soil*  
Deeper harmonies of the heart.
- Dreiser: The Genius*  
The hidden springs of Sex and Desire.
- Galsworthy: The Dark Flower*  
With a cold fragrance of petals.

The reader will notice the great difficulty the committee must have been laboring under. Scientifically speaking, there seems to be no principle of selection whatsoever. For if they object to Tolstoy, why not to Gorky; if they object to Flaubert, why not to Hardy; if they object to Sudermann, why not to Moore—the books are all of the same type. In fact, Hardy's "Tess" has been the topic of heated discussion by literary critics. We notice they object to Ellis, but not to Jung (!) or Freud (!) whose work in Psycho-Analytic is but the experimental background of the psychologic theory. We notice they object to Eltzbacher, but not to Kropotkin.

Some solution to this puzzle may be forthcoming in the theory that the committee is not acquainted with Hardy or Gorky or Jung. If so, what sense of selection, what sense of comparative values can the committee have, in con-

demning the pamphlet? Should not the defendant who is familiar with all the books at first hand, (shouldn't he) be given the benefit of the doubt?

Perhaps, the committee objects to the books on the basis of their sub-titles, arguing that they are of an erotic nature. Let us see:

Jean Christophe is characterized as "arias of a vibrant soul." Is it the "vibrant" they object to or the "soul"?

The Divine Fire is characterized as "warm with struggling manhood." Is it the "warm" or the "struggling manhood" to which they object?

The Iceland Fisherman is characterized as "violets of tenderness." Is it "tenderness" to which they object, or the "violets" (!)

And so we can go through the entire list, selecting such erotic (!) words as "sex," "love," "desire," "lovelight," etc. Put in this way, the objection to the pamphlet assumes a rather ludicrous character. It cannot be that the committee objects to "love" *as such*, for they would then have to condemn half the poems studied at the DeWitt Clinton High School. For example, the words, "love," "kisses," etc., appear throughout the pages of Palgrave's Golden Treasury, a book used in the English classes!

For example:

"The sunlight clasps the earth,  
    And the moonbeams kiss the sea.  
What are all thy *kisses* worth,  
    If thou *kiss* not me?" (P. 216.)

Again,

"Oh lift me from the grass  
    I die! I faint! I fail!  
Let thy *love* and *kisses* rain  
    On my lips and eyelids pale.  
My cheeks are cold and white, alas!  
    My heart beats loud and fast  
*Oh press it to thine own again,*  
    Where it will break at last." (P. 205.)

Again,

"She took me to her elfin grot  
    And there she wept and sighed full sore  
And *there I shut her wild wild eyes*  
    With *kisses four.*" (P. 224.)

“Take, oh *take those lips away*  
That so sweetly were forsown,  
But my *kisses* bring again  
Bring again,  
Seals of *love*, but sealed in vain  
Sealed in vain!” (P. 29.)

In view of the above, it would be just as absurd to dismiss Miss Garrigues as head of the Department for prescribing such books to her English classes. It would be just as absurd to dismiss the faculty adviser of the school-store who, a few terms ago, sold to *every English class* a volume of Shakespeare containing the celebrated erotic poem of “Venus and Adonis” and “The Passionate Pilgrim.” Modesty forbids us to quote therefrom.

It cannot be, then, that the subtitles of the pamphlet are objectionable *per se*. For there are many books containing no sub-titles whatsoever, as for example, Dewey’s Democracy and Education, Eltzbacher’s Anarchism, the books on Drama, Science, Philosophy. Then again, we have the baffling case of the two books possessing the same subtitle (The Genius and Sister Carrie) only one of which the committee finds objectionable.

The only possible theory left is that the committee objects to the character of the books themselves, to the effect that they are “works which should not be called to the attention of the students at the DeWitt Clinton High School.”

Assuming that the committee is at least *familiar with the books they object to*, we take it that the objection is on the grounds of “impropriety” or “unsuitability”—terms which probably connote to the committee a type of book which may lead the innocent student astray or on the downward path of life. If this be so, we are glad to remind them that America’s foremost critics—men like Henry James, William Lyon Phelps, Bliss Perry, appraise these very books as being “condemnatory of vice and immorality.” In one instance the Catholic World speaks of the book (“The Divine Fire”) as being, ethically, “one of the noblest, most inspiring of books.” A few of them are required reading at our colleges and universities! (The Iceland Fisherman, Madame Bovary, Jean Christophe.)

All are recognized as masterpieces in their own *genre*.

The Schoolmasters' report distinctly states (P. 33) that "Mr. Schneer's defenders either are ignorant of the character of these books or are lost to all sense of shame." Is Henry James "ignorant of the character of these books"? When he calls one of the books "one of the glories of literature" or speaks of it as an "inimitable book" is he "lost to all sense of shame"? What can the committee say of the "Catholic World"—or the "Boston Transcript" or of Huneker or Bennett or Cannan?

If such is the laudatory spirit of literary criticism, we must condemn the committee as being out of tune with the modern spirit in literature or maliciously hypocritical in their prurient attitude toward the greatest classics of the day.

#### The Character of the Books Objected To:

##### WHAT THE COMMITTEE SAYS:

"Either the defenders of Mr. Schneer are ignorant of the character of these books or else they are lost to all sense of shame."

(Page 33)

##### WHAT LITERARY CRITICS SAY:

|    |                                    | (Shelf Mark) |  |
|----|------------------------------------|--------------|--|
| 1. | Jean Christophe<br>by Rolland      | 2-R          | Gilbert Cannan says:<br>"It is the first great book of the Twentieth Century."<br>(Translator's Preface, Holt Edition)   |
| 2. | Madame Bovary<br>by Flaubert       | 2-F          | Henry James says:<br>"It is Flaubert's best. It is an inimitable work—it is one of the glories of French literature."<br>(French Poets and Novelists, P. 201)                    |
| 3. | The Divine Fire<br>by May Sinclair | 2-S          | The Catholic World says:<br>"A keen understanding, an ethical interpretation and a lyric style have combined to produce one of the noblest, most inspiring books." (April, 1905) |
| 4. | Sanine<br>by Artzibasheff          | QDM          | The Boston Transcript says:<br>"It is a work of genius—it is of a magic, imperishable flavor."<br>(Oct. 30, 1915)  |
|    |                                    |              | James Huneker says:<br>"With few exceptions, most lat-   |

|    |                                  |   |
|----|----------------------------------|---|
|    |                                  | ter-day fiction is thin, pampering, artificial, compared with this author's red-blooded genius." (Unicorns, P. 45-47) |
| 5. | The Iceland Fisherman<br>by Loti | 2-L   |
| 6. | The Genius<br>by Dreiser         | NBO   |
| 7. | Song of Songs<br>by Sudermann    | 3-S   |
| 8. | Kreutzer Sonata<br>by Tolstoy    | 2-T   |

Henry James says:

"It is a prose epic of the sea. There is always a charming pity and a kind of filial passion in his phrase when it rests upon the people and things of his wind-swept, wave-washed Britanny." (Stephens: French Novelists, P. 312)

Arnold Bennett says:

"Dreiser is America's foremost novelist."

William Lyon Phelps says:

"We are absorbed by the contemplation of so masterly a piece of mental analysis." (Modern Novelists, P. 156)

William Lyon Phelps says:

"It is a masterpiece. It condemns vice and immorality on every page." (Russian Novelists, P. 209)

We wish to call special attention to the next book objected to. We think that it deserves a special paragraph for itself, for in no uncertain terms it verifies unspeakable maliciousness behind the whole procedure. In its silent way, it condemns the members of the committee as being dishonest in their intent, desperate in their revengefulness and brutal in their shamelessness. It is nothing but a high-handed attempt to pervert the facts in the case.

The committee condemns Eltzbacher's "Anarchism" as being "improper", presumably on sex grounds, and we dare say that there are some readers who do not see through the committee's trick. But what is the truth in the matter? Will it startle the committee to learn that this book HAS NOTHING WHATSOEVER TO DO WITH SEX!!! It is merely a thesis on anarchism and its relation to the theories of government. Will it further startle the committee's shamefacedness in learning that the author himself is not an anarchist! And finally, that the book is AGAINST anarchism??!

What can the reader think of a committee that prates

of respectability and shame and propriety when they themselves are guilty of being dishonest and dishonorable? Is this the kind of criticism based on a knowledge of the "character of the books"? Is this the kind of evidence offered in support of the charge of "conduct unbecoming a teacher"?

The next book (and the last) is also a witness of justice and speaks rather loudly of the true motives behind the report of the Schoolmasters' Association. They condemn Mr. Schneer and his defenders in no uncertain manner for having listed as one of the books under "Science" the celebrated work of Havelock Ellis, the original authority on "The Psychology of Sex." The objection cannot be against sex *as such*, for the high school syllabus in Biology (P. 8, April, 1917), requires of all teachers of *First Year* biology the presentation of sex-principles, animal and human. So that the objection is based against Ellis's presentation of the subject. And yet, strange to say, Hall's "Adolescence", a book almost identical in method, almost identical in treatment, is to be found in the DeWitt Clinton High School Library, in full view of the students of the school. Is Mr. Schneer to be dismissed for merely *listing* Ellis as one of the 200 authors in the pamphlet, without any special sign to distinguish it from the others? By the same logic, are the Schoolmasters going to dismiss Dr. Paul for "conduct unbecoming a principal"? Consider the sub-title of the Hall book:

### ADOLESCENCE

#### ITS PSYCHOLOGY AND ITS RELATION TO SEX, CRIME, ETC.

We recommend to Dr. Paul for immediate perusal the chapters on "Sexual Development" (VI) and "Adolescent Love" (IX) and the frequent citations from the works of Ellis (278, 451, 470, 471, 480, 481, 491, 500, 501, 110, 116, 119, 139, 141).

To keep such a book in the library before the very same students whom the committee would forbid to read "Jean Christophe" and "The Iceland Fisherman" or any other of the books mentioned above is but another evidence of Dr. Paul's desire to "get" the defendant as one of the Council leaders in its fight for democracy—it has no other meaning.

We have seen that the objection to the pamphlet cannot be to the sub-titles *as such* or to the books *as such*. It remains to be seen whether Mr. Schneer should be dismissed for "recommending" these books to the *students of DeWitt Clinton*. In other words, the books may be proper for adults but *not* for boys. If this be the argument, we must remind the committee that there are boys and boys, and that there are books and books. The reading programme of a boy like Sidis, or a page from the early boyhood of John Stuart Mill, would humiliate many an adult. At the age of ten, the former was studying Calculus; at the age of ten, the latter was reading Cicero, Virgil and Herodotus. We ourselves know a boy at DeWitt Clinton who was an expert in logarithms at the age of seven. So that the problem is one of *intellectual maturity* rather than that of moral waywardness. The student at DeWitt Clinton (between the ages of 14 and 19) is not a "boy" in the current sense of the term. While not comparable to geniuses like Sidis and Mill, we are certain that the DeWitt Clinton boy's mind is typical of an unusual intellectual maturity. Their reading, their thinking, their discussion, their reactions—all attest to a distinctively "mature" type of high school student. Many of them reach college at sixteen and seventeen. Some have graduated from college at nineteen or twenty. Judging from the nature of the English assignments at Clinton (cf. *supra*), it requires more than the mind of a "boy" to discuss such topics as the negative of conscription or the *affirmative of strikes*.

The words of Dr. Tildsley himself (See "Testimony") lead to the same conclusion regarding the maturity of the average DeWitt Clinton student. He says:

(Page 69) "Boys in different parts of the country are different, but I have been a very close observer of the type in the DeWitt Clinton High School, because I was in that school six years and I think I know that type of boy very well, and added to that I had to do with the same type of boy in the High School of Commerce, and he has very much the same characteristics." At DeWitt Clinton High School the boys at present are probably 80 per cent either of the first or second generations, of foreign birth, and they have some very decided interests; they are very much interested in the social life and the political life of the city; they are

exceedingly fond of discussion, and they have developed a *rather high degree of critical ability and critical tendency*, and the only thing that they like more than anything else I should say, is a discussion in social, political and economic topics; they are more interested in that than they are in being good or even than they are in athletics."

Note the phrases Tildsley uses: "A high degree of critical ability and critical tendency."

We don't ordinarily speak of a "boy" as being 'critical-minded' or as possessing 'critical ability.'

The truth of the matter is that the Clinton "boy" of 16 or 17 has the intellectual maturity of a young man. In fact, as far as his reading is concerned, we are not surprised that books of the type of Tolstoy or Gorky or Andreyev or James are in constant demand at the Chatham Square and East Broadway branches of the Public Library. The young men who are reared on the East Side have a distinct tendency toward the *realistic* element in Literature as in Life. Due to the press of a realistic, pushing, palpitant environment they early thrust aside the sentimental and the romantic delusion of life. They frown down upon anything that savors of the sillily amorous or abortively gushy. They are eager to know the brute realities of human existence. They fight bitterly to tear away the smoky films of existence. They easily condemn the roseate aspects of the "living happily ever afterward."

So that the authors in the Schneer pamphlet—the books objected to—are but part and parcel of their daily living, their daily reading.

They are the young men who reach college at an unusually early age—some of them are at medical college at seventeen, eighteen or nineteen.

In the light of all this, the objection to the pamphlet as being "unsuitable" for "boys" becomes meaningless. Does the committee know that the fathers and mothers of these boys were married at 17 and 18? Does the committee know that many of the teachers at Clinton (cf. Dotey) were *out of college* at nineteen—if not earlier. What is the average age of the young man and young woman at our "Teachers' Training School"?

Does the committee know that many of the "boys" at Clinton work as ushers in the New York theatres where

"Mrs. Warren's Profession" and "Ghosts" and "Salome" and "Kreutzer Sonata" and "The Songs of Songs" have been played?

Does the committee know that the settlements frequently take their "boys" to see such plays as "Damaged Goods" and "Man and Superman"?

The "boys" of Clinton cannot be repressed by the medieval-mindedness, the crabbedness, the misguiding Puritanism of a Schoolmasters' Association report. King Canute tried to stem the tide.

We can come to but one conclusion—and that is, that Dr. Paul was so desperate in his desire to "get" the defendant that he lost complete sight of Mr. Schneer's record as an admittedly enthusiastic teacher of mathematics and as a gentleman of high literary attainments. The pamphlet was but an excuse, a weak, flimsy attempt to hide the real facts in the case. It was Dr. Paul's method of disciplining the defendant for his courageous stand as one of the leaders of the Teachers' Council in their fight for better working conditions at Clinton (New York Times, October 12), for his activity in the Whalen Resolution incident (See Testimony) and for his contribution to the new order of Education.

The committee claims that "this charge alone, brands Mr. Schneer as unfit for any school position whatsoever."

We beg leave to ask the reader to compare this *distinguished* opinion with the following opinions from such *humble* literary men as G. Stanley Hall, Randolph Bourne, Van Wyck Brooks, John Burroughs, J. B. Kerfoot, Edgar Lee Masters, Edward J. O'Brien, James Oppenheim, Bliss Perry, William Lyon Phelps, Booth Tarkington, Louis Untermeyer, William A. White, Dr. Smith Ely Jelliffe and Theodore Dreiser.

DR. HALL'S LETTER  
CLARK UNIVERSITY  
Worcester, Massachusetts

January 19, 1918.

President's Office  
Teachers' Defense Committee,  
The Teachers' Union,  
Room 909, 70 Fifth Avenue,  
New York City.

Gentlemen:

In answer to your inquiry of January 11th, I can only say that if, as you say, Mr. Schnner has lost his position for printing this list of books, it is the most preposterous, high-handed, medieval proceeding that has come under my notice for many a year. There may be other things I do not know, which would modify my judgment, but I assume that it is because he has included one or two Freudian books. The movement these books represent deals to some extent with facts that modesty prevents free talk about, but the movement they represent is a cultural movement represented by many pamphlets, many journals, a large literature, many societies in every land. (I, like many other psychologists have belonged to such a one for many years.) It is a movement that has given a new and wholesome as well as a great reenforcement to sex instruction. It represents things I have taught for years, and the only possible thing that can be said against it is that it is in some respects a little too medical for prudes.

If this is the reason why this man is turned down, I am not fit for my job. The spirit of it all was like that of a bigot who when my "Adolescence" came out, gathered his family together and put it on the logs in his fire-place and burned it ceremonially, as unfit for any decent person to read.

You should present this case to the National Society, Dr. Smith Ely Jelliffe of New York, or Dr. W. A. White, editor of the Psycho-analytic Review, Government Hospital for the Insane, Washington, D. C. I am

Very truly yours,

(Signed) G. S. HALL.

Edgar Lee Masters says:

"If the schools and the teachers of the young do not advocate and explain the books mentioned in this list then they will surreptitiously be read and absorbed by those active and enquiring spirits who will shortly be the leaders of the race. This is not a frank facing of life."

Dr. William A. White says:

"That Mr. Schneer was dismissed solely for the preparation of this bibliography is well nigh inconceivable to me, except for the fact that I have only too frequently emphasized to me the existence in this twentieth century of persons with an outlook upon life which belongs, as Dr. Hall has intimated in his criticism, to the period of the middle ages. I am still, however, disposed to believe that if all of the facts could be known that there must be some other reason at the bottom of Mr. Schneer's

dismissal. The people who would dismiss a person for preparing such a bibliography could not possibly have read the things in it, otherwise they would not have dismissed him."

**Randolph Bourne** says:

"Certainly it is preposterous for a teacher to be discharged because of a bibliography of the best modern books. The list is admirable,—advanced, perhaps, but all the better, certainly not too advanced for New York High Schools."

**Van Wyck Brooks** says:

"It seems to me a most intelligent selection. How it could possibly form the basis for any attack on any teacher passes my understanding."

**John Burroughs** says:

"I see nothing in this pamphlet that any one can reasonably object to."

**J. B. Kerfoot** says:

"So far from regarding the pamphlet as containing grounds for the dismissal of a High School teacher, I should look upon it as evidencing at least a foundation for exceptional fitness."

**Edward J. O'Brien** says:

"I regard Mr. Schneer's pamphlet as a model of its kind, and if it is the sole ground for his dismissal, I can only regret that the City of New York has so low an ideal of what constitutes education."

**James Oppenheim** says:

"It seems to me eminently excellent. If his dismissal was based on the authorship of this pamphlet, the conclusion is inevitable that he is the victim of official ignorance and stupidity or of deliberate malice."

**Bliss Perry** says:

"I have read the 'Guide' with great pleasure. I think it is an admirable selection."

**William Lyon Phelps** says:

"It is an excellent collection of contemporary books with the significant line of interpretation. I find it full of good suggestions."

**Booth Tarkington** says:

"The pamphlet represents, as far as I can see, no misconduct on the part of the compiler. I do not see how he can be charged with moral error or misdemeanor."

**Louis Untermeyer** says:

"I am staggered—staggered at the thought that such an innocuous pamphlet could have been a cause for anyone's dismissal. *It (the dismissal) savors of the worst kind of Prussianism.* It will be a terrible thing indeed if we, who are spending our blood to exterminate autocracy abroad, should come home to find it here in power, cowardly and crushing. We are fighting for a race of independently-thinking men, not for a generation of twitching marionettes."

**Theodore Dreiser says:**

"In regard to dismissing Mr. Schneer for his 'Guide to Contemporary Literature,' my feeling, after an examination of the same, is that if such is the guiding intelligence of the schools, *far better dismiss the schools.*"

**Dr. Smith Ely Jelliffe says:**

"The Book Reviews of The New York Times have published reviews of every item in this pamphlet. Possibly reading the daily newspapers will become an act to be censured by our Board of Education."

### MINOR POINTS

#### Regarding Mr. Schneer's Bibliography

WHAT THEY SAY:

(Pamphlet Pg. 30)

"Schneer claims that his booklet was approved by the Principal. Dr. Paul says that it was presented to him simply as a complimentary copy and that nothing was said about placing it on sale; he never expressed approval of the booklet."

(Pamphlet pgs. 30 and 31)

"Mr. Horton, the faculty member who is in charge of the student salesmen in the store, says that he did not know that the booklet was in the store until the time when objection was made to it and its removal was ordered.

(Pamphlet Pg. 31)

"Schneer stated under oath that all the books in his list are to be had at the usual branches of the Public Library (Test. 231)"

THE TRUTH IN THE CASE:

Here again it is psychological truth that counts, not vindictive logical "truth." The very fact that Dr. Paul at the time of receiving Schneer's booklet found absolutely nothing in it evoking his objection or resentment or disapproval is ample ground for Mr. Schneer's belief that Dr. Paul not only did not find the booklet reprehensible; on the contrary, he found it very acceptable.

Dr. Paul's belated attempt to squirm out of an embarrassing situation only provokes cynical laughter. His repeated assertion that he knew nothing about the book's being on sale simply means that he was ignorant of a department for which he is officially responsible. How in the world did the booklet manage to get itself placed in the G. O. Store? Someone, officially responsible, must have O.K.'d it. That someone in the ultimate analysis is, of course, Dr. Paul himself. Ignorance reveals incompetence, not virtue.

What Mr. Schneer actually did say is the following:

Q. These are all standard works are they not?

"Miss E. F. Cragin, Chief of Catalogue office, circulation department, says that the following books in his list are in no branch of the *Circulation Department*:

The Genius; The Song of Songs; Sanine; Kreutzer Sonata; Love's Coming of Age (The Committee in its ignorance made the mistake of substituting for this work of Carpenter's the title of another author's work, namely, "The Coming of Love"); Anarchism; Phychology of Sex, Vol. 1.

A. Yes, sir, found in every library.

Q. Found in every library?

A. Yes, the statement No. 3 in the Introduction, makes it quite clear with reference to the books in the Public Library.

Will the reader try hard to unearth in what precise part of Mr. Schneer's testimony there is to be found any specific reference to the "*Circulation Department*"? He stated clearly and accurately that the books were to be found in the Public Library. The Public Library, as even the Schoolmasters' Committee must know, consists not only of a Circulation Department, but of Reference Departments, Reading Rooms, etc. The Committee's insertion of the modifying phrase "*Circulation Department*" is a pure invention of outraged small-mindedness. As a pure matter of fact, however, we have put the actual shelf-mark alongside the books (see above).

#### THE CASE OF THOMAS MUFSON

The gentlemen of the Schoolmasters' Association and of the American Defense Society have pronounced Mr. Mufson guilty of "unpatriotic teaching" because he declined to answer certain questions bearing on his attitude toward the war. Why did the gentlemen of the aforementioned societies fail to state the fact that he also refused to answer a question tending to bring out his attitude toward anarchism? (Test. p. 183.) In accordance with the absurd reasoning of the members of the Schoolmasters' Association and of the American Defense Society, Mr. Mufson, by

refusing to answer the question on anarchism, has proved himself an anarchist. But he is an orthodox Jew which is of itself sufficient proof that he is not an anarchist. The basic principle of Judaism is that law must govern society and the individual. Furthermore, he is a Socialist and thus believes, not in no government, but in more government; he is opposed, not only to political, social and moral anarchy but to industrial anarchy as well. He no more favors anarchism than he favors Germany, the land where venomous anti-Semitism is a philosophy and a permanent political issue. He refused to answer the question on anarchism because he thought the query too stupid to deserve an intelligent answer, which he indicated by asking a question in return designed to be as ridiculous as the one which had been put to him. (Test. p. 183.)

He refused to answer the questions relating to his attitude on the war because (1) the question did not bear on the charge against him, which was "conduct unbecoming a teacher." *Not a shred of evidence was presented, not a shred of evidence was in the possession of the prosecution to show that Mr. Mufson had done or said anything justifying the charge of "conduct unbecoming a teacher."* The questions at the trial were plainly intended to elicit views. "Suppose something happened which could not happen, what would you do, if it did happen?" was the type of question asked." (2) He felt that his views on the war were matters pertaining to his own conscience and he harbors the belief that the soul of Americanism is freedom of personality, freedom of conscience. (3) He felt that no one had any right to impugn his loyalty to his country without the shadow of a reason.

He showed his feeling toward the German Autocracy in his letter to "The Globe" of April 5, 1917. Test. p. 178), signed, M. Thomas. The letter follows:

#### *His Third Prophecy*

Editor Globe: When Roumania first joined the Allies I sent you the following prophecy: I said Roumania, because of her treachery to the Jews, would suffer the fate of Serbia. I further said that a few more blows delivered by Germany against Russia would send the Russian autocracy staggering to its death. Both of these predictions have been fulfilled.

Now let me once more assume the role of prophet. Revolution is about to strike again and this time it is going to strike in Germany. Reborn and glorious Russia, republican France and liberal England, an invincible triumvirate of freedom, will very soon deliver a death blow to autocratic Germany. The kaiser and his war-hawks are doomed. At the psychological moment—and that moment is very near, nearer than the world imagines—the German people will rise like a storm and sweep from rejuvenated Europe the kaiser and his band of ruffians who call themselves the “Government” of Germany. No power on earth can keep that cleansing storm from bursting over Germany. A good and far-seeing Providence has staged the fearful but benevolent events which are now awing Europe. The divine purpose of the European war is clear. Kaiserism is tumbling to the earth to mingle its remains with the cursed debris of Russian czarism. The word of the Lord has gone forth.

M. THOMAS.

New York, March 29.

The Schoolmasters' Association and the American Defense Society say that in that letter they were “unable to find any evidence of his love for the American Government.” In the present world crisis love for one's country is well measured by the strength of one's opposition to the German autocracy. There can be no denying the fact that Mr. Mufson is unalterably opposed to the German autocracy. Furthermore he believes that he who shouts his love of country loudest loves his country least. Lip loyalty and pen loyalty are the easiest kinds of loyalty, behind which many a soulless rascal hides.

Mr. Mufson did however indicate his patriotic sentiments in an article of his which appeared in the “Twentieth Century Magazine” of July, 1910, entitled, “Walt Whitman, Poet of The New Age.” In that article he wrote as follows:

“Whitman, therefore, was the great Democrat. ‘America’, he said, ‘is the continent of glories, and of the triumph of freedom, and of the Democracies, and of the fruits of Society, and of all that is begun.’ Too sadly true it is that corruption, coarseness, materialism abound in America. Yet in spite of it all, Whitman felt the American atmosphere is pervaded, infused, and vitalized by a spirit of grandeur and sublimity, a spirit that sleeps not, neither does it rest,

which penetrates unconsciously into the hearts of its people. America! magic word which contains within itself a solution of the problem of life; blessed continent trembling with the wondrous ecstasy of a coming birth; arena cleared for the great struggle of hearts and souls, from which shall arise with the light of God playing in its eyes, Liberty, Democracy!"

The Schoolmasters' Association and the American Defense Society affirm that Mr. Mufson proved himself guilty of "unpatriotic teaching" by writing a note to his Principal, on April 18, 1917, saying: "I shall not be able to take part in the parade tomorrow because I sincerely want peace and not war." This note, a private note of Mr. Mufson's to Dr. Paul, Principal of the DeWitt Clinton High School, was given to the Schoolmasters' Association and The American Defense Society by Dr. Paul, one of the witnesses against Mr. Mufson, *five months after the trial*. The note was not used as evidence at the trial. We have here a striking example of that spirit of personal animosity which was a strong driving force behind the prosecution of all three teachers.

At the time Mr. Mufson wrote that note our country had just entered the war. Until then, the United States had been to him the star of peace in the blackness of the world chaos, whose light, he hoped, would ~~spread~~ under the influence of that supremely sweet and beautiful message of President Wilson, "We are a nation too proud to fight." Is it not understandable that such a state of mind and soul cannot be cast off like a garment? By what law or tenet of ethics can it be made a "crime to express a viewpoint which had until then been the accepted idealism of the President and of well-nigh the whole of America?

Even in time of war, mad hate need not hold full sway, for hate, which is blinding, may long lead the nations astray. There are better guides.

#### ALL THE FACTS CORRECTLY STATED THAT LED UP TO THE DISMISSAL OF THE CLINTON TEACHERS

We intend to show that the true cause of the inquisition at Clinton with its subsequent transfers and dismissals lay in the increasing activities and power of the democratic

Teachers' Council and their co-workers, seeking to oust autocratic methods and to inaugurate a regime of genuine democratic management.

### The Crucial Facts in the Case

The INQUISITION was held at Clinton High because a critical situation had developed involving a conflict between Dr. Paul, and a group of progressive teachers who had been known for years as opponents of *autocratic methods* in education.

Dr. Paul, fearing that his incompetence as a principal would soon be exposed by these progressive teachers, initiated the first move against them. What was this move? To Dr. Tildsley he pointed out as undesirable teachers those leaders of the opposition to Dr. Paul's autocracy who had also incurred the displeasure of three official superiors by their vigorous stand against the "Longer School Day."

It was the autocratic imposition of the longer school day in September, 1917, that had brought down on the head of Dr. Tildsley the strenuous criticism of the pupils and teachers in the high school system. The agitation had become so large and impressive at Clinton High that the Principal, unable to handle the situation, had to call in the assistance of Dr. Tildsley. Also, be it remembered, the same progressive teachers had been instrumental in crystallizing the sentiment of more than 100 Clinton teachers in a public expression of their opposition to Mr. Whalen's autocratic method of dealing with the protests against the longer school day.

At this juncture, these three official superiors, fearing the justified resentment of a public outraged at so much official incompetence, hit upon a familiar device for shifting the burden of blame to other shoulders. Dr. Paul, in agreement with Dr. Tildsley and Mr. Whalen, decided to fasten the blame for the social agitation upon those progressive teachers who had been so active as leaders of democracy in education. The trick almost succeeded.

In the light of these facts, nothing can be more firmly grounded than the inference that the object of the INQUISITION at DeWitt Clinton High was to trap the *socalled leaders of the widely growing agitation for more democracy in the school system*. A conflict between autocracy

and democracy in education had been assuming proportions so impressive to the teaching body in general as to necessitate upon the part of the official superiors some drastic action, some show of authority wherewith to intimidate the liberal minded teachers.

Is it any wonder that at the psychologic time the "disloyalty" issue was introduced to hide the real facts in the case?

#### WHAT THEY SAY

Page 8. "From the facts at hand the members of the Committee are convinced that the Whalen Resolutions were in no sense the cause of the other investigation."

#### THE TRUTH IN THE CASE

On November 12, 1917, Supt. Tildsley suspended the three teachers for "*Holding Views*" (Letter of Suspension) "subversive of discipline."

Why were the records of the three men, given by Dr. Paul himself, uniformly high right through until *June*, 1917? If, as the Schoolmasters' Committee loudly insinuates, these teachers had committed *acts* as early as April and May, 1917, (and in the case of one of the teachers, as early as May, 1914), which revealed a state of mind that could only be characterized as "conduct unbecoming a teacher", how in the name of common sense do they account for the excellent records of these teachers given originally by Dr. Tildsley and later by Dr. Paul? Or shall we say that the reason why the prosecution (and now the Schoolmasters' Committee) found it valuable to include utterly irrelevant material was the knowledge that in the hands of crafty manipulators, such interesting irrelevancies could be twisted and misinterpreted,—in a period of emotional stress,—to the apparent discredit of the defendants?

Why were the three teachers suspended in *November*? Why not, for example, in October, in September, or last April, or May? For, in fact, according to the findings of the Schoolmasters' Committee, crucial "evidence" upon the basis of which the charge of conduct unbecoming a teacher might have been entered against these teachers, was already available as early as April, 1917, at which time the following "crimes" had already been committed:

(a) refusal to sign Mayor Mitchel's so-called loyalty pledge,

(b) signing of the famous protest against the method of compulsion used by the Board of Education in the imposition of its loyalty pledge,

(c) the publication in newspapers of Dr. Paul's attempt to coerce teachers to sign the Mitchel pledge (even before the official declaration of war),

(d) the Peg Woffington dinner at which plans were perfected by the Teachers' Council and their progressive supporters to democratize the absolutist authority of Dr. Paul and to eradicate the infamous spying system of Mr. Dotey,

(e) in May, 1917, the New Republic article, championing tolerance in war time, appeared,

(f) continuation of the investigation into the Dotey system of squads and spying. Several teachers among the transferred and dismissed were receiving evidences as to the evils of the Dotey system,

(g) in September, 1917, the opposition to the Tildsley longer school day was organizing among pupils and among teachers. This sentiment was especially strong at Clinton High School because it was the only school where the principal was incompetent to handle the situation, for not only did the strike spread at Clinton, but the principal had to invoke the aid of his official superiors to adjust a little local disturbance.

#### Dr. Paul's Breach of Good Faith

"The most illuminating incident has not yet been recited. At the close of the hearing (October 22, 1917), at the Board of Education, a teacher from the DeWitt Clinton High School walked up to the desk where Dr. John L. Tildsley, Mr. Whalen and Dr. F. H. J. Paul, principal of the DeWitt Clinton High School, were assembled and heard the following conversation:

Dr. Paul to Mr. Whalen: 'You're not serious about that meeting of the students to-morrow, are you?'

Dr. Tildsley (interrupting): 'No; it's all right. The pupils have had their hearing. They're done for. They're settled.'

Dr. Paul (addressing both): 'You see, if we held a meeting in our school to-morrow, some of the radical boys might get control of it, and there'd be more trouble.'

Mr. Whalen: ‘Oh, that’s all right. Don’t take that seriously. You don’t have to have a meeting.’

“There was no meeting at the Clinton High on that promised to-morrow; but instead, the principal got in touch with the young president of the so-called General Organization and by ‘tactful diplomatic’ appeal persuaded the youthful leader to abandon the idea of holding a mass meeting.” (From an elaborate Summary of the Clinton situation by the suspended teachers, New York Evening Post, November 16, 1917.)

This treachery on the part of Dr. Paul was directly responsible for the local outbreak culminating in a “strike” at Clinton High. Unable to handle the situation himself,—created by his own duplicity,—he called in the assistance of Superintendent Tildsley who, with the aid of Dr. Dotey and a roomful of truant officers finally succeeded in restoring “order”—after some of the youthful “leaders” of the strike were suspended or discharged. Official incompetence could have gone no farther!

(h) On Oct. 18, (see N. Y. Times) the faculty of Clinton elected a committee of teachers,—of which Mr. Schmalhausen was chairman,—to draw up a brief in opposition to the longer school day.

(i) On Oct. 22, the hearing was given at which the representative teachers presented their briefs against the longer school day.

(j) The Whalen meeting was called at Clinton High School on Wednesday, Oct. 24, and voted to publish a set of resolutions, rebuking Mr. Whalen for his autocratic attitude towards teachers and pupils.

(k) Publication of Whalen resolution in the newspapers, Oct. 26th.

(l) The institution of the Whalen-Tildsley-Paul investigation of the *Teachers’ Council*, Oct. 31, 1917.

Several days after the “investigation” of the Teachers’ Council and after the suspension of the three teachers, Mr. Penhollow, one of Dr. Paul’s henchmen, circulated a petition among the teachers for the abandonment of the institution of the Teachers’ Council. The petition was received so contemptuously as to compel its originators quickly to withdraw it. However, the bureaucratic clique at Clinton High did not rest content with this rebuke. At the monthly

teachers' meeting (the first one after the suspension of the three teachers), Dr. Paul, thinking to find the teachers off-guard, suddenly near the close of the meeting, put the question, (not even suggested as a motion by one of the teachers whom he dared to quote and misinterpret), as to whether the teachers were in favor of officially administering a censure to The Teachers' Council for the part it played in the Whalen Resolution situation! There is ample reason for believing that the sudden determination to transfer Mr. Jablonower was conceived that very afternoon (a day before the transfers were officially announced at the Board) when, outraged by the sinister misinterpretation of Dr. Paul, Mr. J. got up to object to such malpractice. Of course, The Teachers' Council, far from being censured, was overwhelmingly endorsed as an institution by a vote of a hundred and five to forty-three (by a secret vote taken that very week)!

It will be observed from this accurate sequence of important events that the closest relation exists between the provocation afforded by the Whalen resolutions and the inquisition that immediately followed. If the reader will also bear in mind the very significant fact that the very first man to be interviewed was the Chairman of the Teachers' Council officially responsible for the Whalen Meeting; if the reader will further bear in mind the following testimony (pages 79-80), he will arrive at the conclusion so often repeated by the defendants, that the primary *immediate* cause of the Whalen-Tildsley-Paul inquisition at Clinton High and the subsequent transfer of six teachers and the suspension of three, was undoubtedly the publication of the so-called Whalen Resolutions containing as they did a very straightforward criticism of "superior officials."

#### TESTIMONY—PAGES 79-80. (Our Italics)

Dr. Tildsley on the stand; Mr. Smyth questioning.

Q. Was the matter of the Teachers' Council Resolutions one of the important things?

A. That was a very important thing; yes, sir.

Q. You took that up first?

A. *I took that up first*; yes, sir.

Q. With Mr. Pickelsky?

A. Yes, sir.

Q. *And found that he had nothing to do with the resolution, did you not?*

A. I did not. I found that he presided at the meeting which passed the resolution.

Q. He had nothing to do with the resolution, with its authorship?

A. *He had nothing to do with its authorship*, he said.

Q. Nothing has been done with him. He still retains his position?

A. *He still retains his position.*

Q. The next man you saw was Kenneth W. Wright?

A. No, sir, it was not.

Q. Are you sure about that?

A. I think the next man I saw was Mr. Schneer, if I am not mistaken.

Q. Was it not Mr. Kenneth W. Wright?

A. I think he was not the next man. I saw Mr. Kenneth Wright the same morning I saw Mr. Schmalhausen and Mr. Pickelsky.

Q. *You found out from Mr. Kenneth Wright that he did not vote for the resolution?*

A. Yes, sire, I did.

Q. He has not been interfered with, has he?

A. *He has not.*

Q. The next man you interviewed was Mr. Charles Ham?

A. I think so.

Q. *You found he had voted for the resolution?*

A. Yes, sir.

Q. *He is transferred?*

A. *He is.*

Q. And he is the first one. *The next one* you say, *Mr. Henry Schneer*, was it not?

A. I think so.

Q. *You found that he had presented the resolution, did you not?*

A. I was told by Mr. Pickelsky he presented the resolution.

Q. He has been suspended?

A. *He has been suspended.*

Q. You know he did present the resolution?

A. I was told so by Mr. Pickelsky.

Q. The next man you saw was Mr. Schmalhausen?

A. We saw one or two other people, *but Mr. Schmalhausen was the next man I had any considerable interview with.*

Q. You found that he wrote the resolution, did you not?

A. I don't recollect now, whether he did or did not.

Q. He has been suspended?

A. *He has been suspended; yes, sir.*

Q. Then you interviewed Mr. Mufson, did you not?

A. I interviewed Mr. Mufson, not immediately, I believe, but within that—on the same day, that I interviewed Mr. Schmalhausen.

Q. You found he had voted for the resolution?

A. I did not find Mr. Mufson had voted for the resolution.

Q. What did you find he had done?

A. It will come out later, I believe.

Q. Cannot you tell me?

A. Mr. Mufson is on charges before this body.

Q. All right. I am representing him. I will protect him.

A. If the Chairman says I can answer that question I can answer it.

Chairman Whalen: You had better wait until his case comes up.

Mr. Smyth: *I want to get the whole attitude of this gentleman.*

Chairman Whalen: You have got it.

Mr. Smyth: I think I have and I want to complete it.

Mr. Mayer: *I think this cross examination has been pursued far enough.*

Chairman Whalen: *Do not waste any more time on that, Mr. Smyth.*

Mr. Smyth: All right, if your Honor is convinced as I am convinced, I will go to something else.

Chairman Whalen: *Take up something else, now.*

## THE WHALEN MOTIF

### (A) (Testimony, Pages 34 and 35)

Miss Garrigues on the Stand.

By Mr. Smyth:

Q. Did you not state, Miss Garrigues, that the object of this investigation which had been undertaken against Mr. Schmalhausen was to get the ringleaders of the Teachers' Council who were close to Mr. Whalen in the matter of lengthening the school hours?

Mr. Mayer: That is objected to as immaterial and irrelevant.

Chairman Whalen: I will let her answer that.

A. I do not remember. I talked to Mr. Horowitz I know, but I do not remember that I made any such full statement as that. Perhaps I have gotten the wording wrong.

Q. Will you tell us what your recollection is of such a conversation with Mr. Horowitz?

A. If I said anything of the sort *I said I thought it had some influence.*

Q. What is that?

A. If I said anything of that sort—I may have said—

Q. Said anything of what sort?

A. Of the kind you are asking me.

Q. Is it your recollection that you did say something of that kind?

A. Very likely.

Q. If you did, if it is true that you did, very likely it was because you believed it, is not that so?

A. *Yes, I think it had influence.*

### (B) Volume of Testimony, Page 73

Dr. Tildsley being cross-examined by Mr. Smyth:

Q. When you had the first interview with Mr. Schmalhausen do you recollect the opening topic of your interview?

A. *The opening topic of our first interview was the discussion of the resolution passed by the Teachers' Council.*

Q. Why was that particular topic brought up first?

A. Because Mr. Schmalhausen was, if I am not mistaken, a member of the Teachers' Council of that school, and I interviewed first Mr. Pickelsky, the Chairman of the Council, and Mr. Pickelsky told me that Mr. Schneer handed

him the resolution, and so I interviewed Mr. Schneer and then afterwards several members of the Council. I told you I had two aims in going to that school.

Q. *You were at the time engaged in trying to fasten responsibility for the resolution that had been passed on the evening of the 22nd of October when you had those interviews with Mr. Sehmalhausen?*

A. I was trying to find out what was meant by the resolutions and why they were passed.

Q. *You were also trying to find out who had been instrumental in drawing them up and who had presented them?*

A. *I asked those questions; yes, sir.*

Q. Those were the first questions you asked?

A. Not the first questions.

Q. They were among the first?

A. *Among the first; yes, sir.*

(C) Volume of Testimony, Pages 204, 205, 206

Page 204, Cross Examination by Mr. Smyth:

Dr. Tildsley speaking:

Q. What was the first interview you had?

A. The first interview was an interview in the Evening School Office, I believe on the 31st of October, the first day I was over there, *when I asked him about the resolutions being passed by the Meeting of the Teachers' Council*, because Mr. Pickelsky had told me that Mr. Schneer handed him the resolutions.

Q. Now, there was a stenographic report taken of the first interview, was there not?

A. Yes, sir.

Q. And you gave part of that stenographic report to Mr. Schneer, did you not?

A. He received all that I received.

Q. Is this the extract?

A. Yes, sir.

Page 205; Mr. Smyth: I offer it in evidence. . . .

Mr. Smyth: I will not take up the time now to read all these questions and answers, but the Committee can see by going over it, if they will, *that these are all questions and answers relating to the subject of the Teachers' Council* in which he is very closely cross examined, *and that*

*seems to be the whole thing on Dr. Tildsley's mind at that time.*

Testimony, Page 206:

Q. When you had been told by the Chairman then you went prepared with a stenographer to ask him on that point, did you not?

A. Not to ask him on that point; to elicit the truth on that point.

Q. To make a record against him, did you not?

A. To make a record of the interview.

Q. It was not until the third interview that you thought of going thru an academic discussion as to what he would do under given circumstances in relation to the pupils?

A. Yes, I thought of it before that.

Q. Did you really think of it previous to or before you had fastened responsibility for the resolutions on Mr. Schneer?

A. I never fastened responsibility for the resolutions on Mr. Schneer.

Q. Did you not state that you did?

A. No, sir, I did not.

Q. You tried to, did you not?

A. I tried to find out whether Mr. Schneer had drawn up the resolutions. Mr. Schmalhausen has already testified that he drew them up.

Testimony, Page 207:

Q. Was not your object in getting a stenographer so that you would have a record of it that he was the one who handed them to the Chairman, and after you got that then you went ahead trying to trap him by asking academic questions?

A. No, sir.

Perhaps the most interesting evidence of the significant part played by The Whalen Resolutions in the "trial" of the three Clinton teachers was furnished gratuitously by Mr. John Whalen, Chairman of the Committee that tried the three teachers. As Dr. Ira S. Wile, of the old Board of Education, clearly pointed out on the day of decision, nothing was so thought-provoking in his estimation as the sudden and strange intrusion of the Whalen Motif at the very close of the "trial", at 12:15 a. m., at a point in the evolu-

tion of the proceedings when the thing farthest removed from the attention of the whole committee was precisely the Whalen Resolutions. What one disturbing thing suggested itself at that late and unrelated hour to the mind of Chairman Whalen? Let the testimony speak eloquently for itself.

(D) Testimony, Pages 259, 260, 261

Chairman Whalen: I would like to have you (addressing Mr. Smyth) to ask him (that is, Mr. Schneer), if you will, for me, if 105 teachers of the Teachers' Council were present when the resolutions were adopted; if they were present, if he will be good enough to give you the names of the members of the Council who were present.

Mr. Smyth: Yes.

The Witness: One hundred and five teachers were present. The names of the Teachers' Council are the following: Mr. Frank Pickelsky, Chairman; Charles Ham, a member, now transferred; Samuel Schmalhausen, now suspended; A. Henry Schneer, now suspended. Those were the four members of the Teachers' Council at that time of one year's standing. About that time also a certain member of the Teachers' Council had been appointed assistant principal, and Mr. Kenneth W. Wright, October 31st, was elected to substitute for Mr. Keller. About November 1st or 2nd, two members were elected from each individual annex of the DeWitt Clinton High School, of which there are two. At the time of the Whalen Resolutions there were practically four members: Mr. Pickelsky, Chairman; Mr. Charles Ham, transferred; Mr. Samuel Schmalhausen, suspended; Mr. A. Henry Schneer, suspended.

Chairman Whalen: I am not asking about those now. I am asking you, and I am asking Mr. Smyth to ask you, if these one hundred and five members of the Teachers' Council were present when the resolutions were adopted?

The Witness: There are only five members of the Teachers' Council.

Chairman Whalen: I thought you said one hundred and five?

The Witness: One hundred and five members of the teaching body.

Chairman Whalen: There are five members of the Teachers' Council?

Chairman Whalen: *Yes, will you give Mr. Smyth the names of the one hundred members of the teaching body who voted for the resolution?*

Chairman Whalen: Who were they?

The Witness: The names of the one hundred and four?

Mr. Smyth: That is what he wants.

Chairman Whalen: Give them to him.

The Witness: Right now?

Chairman Whalen: *You may send them to me by tomorrow morning; will you do that? How many teachers are there?*

The Witness: About one hundred and fifty-eight.

Chairman Whalen: Will you give to Mr. Smyth the names?

The Witness: Yes, sir.

On what other hypothesis than the direct and overwhelming importance of the Whalen Resolutions as *the immediate cause* of the several incidents that led to the suspension of the three Clinton teachers, can one explain the relevance of the numerous evidences quoted from the volume of Testimony, all pertaining to the one theme,—the Whalen Resolutions. Is it a mere matter of thoughtless accident that the only official stenographic report (which Dr. Tildsley ordered taken in one of his private interviews with Mr. Schneer at Clinton High) relates *wholly and exclusively* to the one theme, the Whalen Resolutions; to the relationship between those Resolutions and the part played in their origination and publication by various members of the Teachers' Council that was officially responsible for them? In this effort to prove beyond the shadow of a doubt the crucial importance of the Whalen Resolutions, we must not overlook another outstanding fact; that at the Board of Education, at its first meeting after the publication of the Whalen Resolutions, the President, William G. Willcox, opened that meeting with the following comment upon the Whalen Resolutions: "I submit that such a statement cannot be allowed to pass unnoticed by this Board. If any teachers in the system have such a false conception of their position as to brand as 'autocratic and arrogant' Mr. Whalen's statement that neither pupils nor teachers will be allowed to run the schools, *they should promptly be undeceived.* . . . this group of teachers deliberately set an ex-

ample of insubordination which could hardly fail to have the effect of encouraging a similar spirit among the disorderly pupils." (Our italics.) In the New York Evening Post of November 20, 1917, Dr. Tildsley is quoted as saying: "I do not believe that teachers have any right, as an organized body, to censure the Board of Education. *This these teachers did in condemning the statements of Mr. Whalen.*" (Our italics.) Commenting upon this situation the New Republic, in its editorial of November 24th, writes: "It looks as if Superintendent Tildsley had been commissioned to 'get something on' these teachers antecedently condemned. Only the fairest and openest trial can allay this suspicion of crooked dealing." In another part of the same editorial these trenchant lines appear: "Moreover, the evidence upon which the charge of 'subversive views' is based appears to have been gathered by Superintendent Tildsly through a personal inquisition in which the suspected teachers were forced to reply to a number of inquiries of the familiar 'catch-question' type of the crafty and unscrupulous pedagogue."

If, as the Schoolmasters' Committee pretends to believe, the Whalen Resolutions were not *the efficient cause* of the investigation at Clinton High, how is it possible to explain their vast and overshadowing importance throughout the case and at the "trial"? (Isn't it psychologically interesting that the most patent cause of the inquisition was *the very one* not even faintly alluded to in the specifications and charges conceived by Superintendent Tildsley against the Clinton teachers?) How shall the fact be explained—a most unique and thought-provoking fact,—that Mr. Kenneth W. Wright, recently elected a member of the Teachers' Council, (October, 1917), *after admitting that he had voted against the Whalen Resolution*, was released by Dr. Tildsley without further questioning after a five minute interview? Most significant of all is the overtowering fact that all the Clinton teachers disciplined by "the powers that be", namely, the transferred and the dismissed and their fellow-sympathizers among the faculty who suffered themselves to be haled before the inquisition, *had all taken an active part in the Teachers' Council movement in its opposition to the Longer-Schoolday culminating in the Whalen Resolutions*; a movement that in October, 1917, had achieved sufficient

power to express in unmistakable terms its opposition to the autocratic conduct of Dr. Tildsley, Mr. Whalen and Dr. Paul.

The relation between the agitation against the Longer-Schoolday and the "Whalen" Resolutions will be readily inferred from the appended:

The Teachers' Council of the De Witt Clinton High School adopted resolutions on Wednesday denouncing as undemocratic the statements made by Chairman John Whalen at the hearing of the high schools committee on Monday, when he repeatedly asserted that he wanted it clearly understood that "*neither the pupils nor the teachers would be allowed to run the schools,*" and "I want you to understand that if you pupils don't go back and behave yourselves I'll close down all the schools. Do you understand that?"

The resolutions read:

"As self-respecting teachers we cannot allow so arrogant and injudicious a statement to go unchallenged. We deem it both undemocratic in spirit and unprofessional in motive.

"Therefore, we teachers of the De Witt Clinton High School do hereby resolve:

"FIRST:—That it is the sense of this meeting that John Whalen's assertion is contrary to the modern spirit of true democracy.

"SECOND:—That remarks of this type and threats to close the high schools are detrimental to good discipline and good teaching.

"THIRD:—It is the sense of this meeting that the autocratic assertion of John Whalen is subversive of the proper spirit underlying our educational institutions.

"FOURTH:—Be it finally resolved:

"That the best interests of school administration demand the cordial recognition of the classroom teacher as a most vital influence in the educational system."

(From "The Globe," October 26, 1917.)

## MINOR POINTS

As to the Whalen Meeting at Clinton High School.  
Testimony, Page 77.

Dr. Tildsley speaks: (Discussing the relation of the Whalen Resolutions to the series of interviews at Clinton High.)

*"I found out that there were one hundred at that meeting and that no record had been kept of the attendance during that meeting; therefore it was immaterial as to who the specific people were.*

Does the Schoolmasters' Committee ask for more honorable corroborative evidence of the truthfulness of the de-

fendents' assertion that there were a hundred or more Clinton teachers present at the famous Whalen-Resolution Meeting (October 24, 1917)? It must be remembered that the very final sentence of the communication containing the list of the teachers who had voted against and those who had voted for the Whalen Resolutions, reads as follows: "This list comprised all those present *as far as our knowledge goes.*" It was never claimed by the defendants that they had kept a strict tabulation of the names and length-of-stay of all the teachers who crowded the "Reception Room" at Clinton High on that famous Wednesday. Their judgment was based upon a rough off-hand calculation of the capacity of the room. A very careful count was taken,—in the nature of the case,—of the persons who voted against the Whalen Resolutions. It was natural, almost inevitable, for the enthusiastic Teachers' Council to assume (no knowledge to the contrary being at hand) that all those persons who did not vote *against* the resolutions, had voted for them. Though this may not be the soundest logic, it is yet a familiar psychologic method of judgment especially natural in an emotional situation. It was assumed that any teacher at that informal meeting who had any definite objections to the resolutions would certainly voice them either in a speech or by vote. It was therefore permissible to assume that all persons with the exception of the declared opponents of the Whalen Resolutions were clearly in favor of their adoption and publication. May we point out to the Schoolmasters' Committee,—that appears to possess an abnormal talent for discovering the mote in a fellow-mortals eye and for naively overlooking the beam in its own,—that on page 5 of its own incoherent report, the statement appears (in relation to the April 21st meeting of Clinton teachers at the Peg Woffington Coffee House) that "there were *forty-one members* of the faculty present. . . ." But since no record was kept of the attendance at that meeting, the number is at best a good guess; a reasonable approximation. And since of the number present only one, a Mr. Deixel, (a "tool" of Mr. Dotey's), spoke in favor of the autocratic regime at Clinton High, the plausible assumption obtains that all the other persons,—with one or two possible exceptions,—were in favor of the democratic conception urged by several of the speakers. The point is simply that the arithmetical ac-

curacy for which the committee pretends to be so insistent a stickler is not an important fact at all: a margin for arithmetic error may well be allowed without vitiating in the least the soundness and seriousness of the essential proposition. The essential proposition in relation to the Whalen meeting was the remarkable unanimity of feeling and opinion in behalf of the Whalen Resolutions. Let us stick to essentials.

The Schoolmasters' Committee, relying upon Mr. Dotey's unreliableness, appends a list of names of Clinton teachers who, assumed to be present at the Whalen meeting by the defendants, are supposed, upon inquiry by Mr. Dotey, to have either denied their presence or to have denied their presence for more than a short space of time, or to have admitted their presence but to have denied that they voted at all. In these doubtful matters, where guess-work and memory-recall play their unscientific parts, it is often useful to check up a method by a test case. For example, Mr. Dotey appends as one of the names of the several who, so Mr. Dotey's Committee implies, were not present at the Whalen meeting, the name of Mr. Thomas. The fact is that not only did Mr. Thomas attend that meeting; he delivered a short snappy speech in which he referred rather pointedly and sharply to Mr. Whalen and his bulldog behavior and concluded his rousing talk with an appeal to the Clinton teachers to join The Teachers' Union. . . . If this be the sort of verification which the Schoolmasters' Committee relies upon to help them out of an obvious predicament, we shout back our derision at their predicament and their foolhardy method of evasion. . . .

Moreover, from the statement of the pamphlet are we to understand that *Dr. Paul* was chiefly responsible for the Whalen-Tildsley investigation at DeWitt Clinton High School? What was Dr. Paul's interest in this matter? Was it, because "the patience and forbearance of the school officials" (does that mean Dr. Paul and Mr. Dotey?) "reached the breaking point, however when one of the group, Samuel D. Schmalhausen, assigned as the subject of a letter to the President a topic which led a number of his pupils to make unpatriotic criticisms. . . ?" Was Dr. Paul's outraged righteousness genuinely due to the *nature* of the assignments? If so, how will he or his apologists explain the

nature of the subjects contained in the mid-term examinations evidently approved of by the principal himself?

Note: These subjects had already been prepared by the head of the English Department *before* October 22, the day on which Dr. Paul, thru Mr. Dotey, had become aware of the assignment and thought it a good opportunity to "get" Mr. Schmalhausen because of his activities in the Teachers' Council and as the chairman of the group opposing the longer school day. As the head of the English Department, called as a witness by the prosecution, testified under oath, relating what had occurred when she handed the Herman composition to Dr. Paul:

Testimony, Page 32:

Counsel: Q. Did he (Dr. Paul) make an exclamation at that time in reference to the position that he deemed Mr. Schmalhausen to be in?

Miss Garrigues: A. He said, I think—Yes, he said something.

Q. What was it he said?

A. He said, I think, "I have him now."

Q. Are not the words that he said, "*Now, I've got him*"?

A. I think so.

Q. You think so?

A. Yes.

In November, 1917, while the trial of the three teachers was pending, the mid-terms were held at Clinton High and among the subjects contained in the English examination were these:

Write brief proper, *affirmative or negative*:

We seek no selfish ends in this war.

Conscription is justifiable in a democracy.

Write in outline from the brief proper:

Strikes.

Revenue by bond issue or taxation.

Note:

It is important to know that the assignment of the topic was the subject of an informal conference between Dr. Paul and Mr. Schmalhausen on Friday, Oct. 26, at which conference it was agreed that thereafter whenever in the opinion of Mr. Schmalhausen any one of his topics for discussion struck him as being "unwise", he would consult

with the head of department before final assignment. It cannot too often be repeated that the animus lying behind Dr. Paul's opposition was in no way connected with that assignment or its consequences. In fact, the animus had been distinctly conceived against the teacher himself long before the date of assignment.

(This theme will be amplified under the specific heading: THE CASE OF MR. SCHMALHAUSEN.)

## OTHER INFLUENCES OPERATING AGAINST THE DISMISSED TEACHERS.

### ANTI-SEMITISM.

#### WHAT THEY SAY

##### Page 9.

"The committee was unable to find any evidence, real or implied, which even intimated such prejudice on the part of Dr. Straubenmuller who directed the charges to be preferred, . . . or of any of the . . . members of the Board who voted for their dismissal. The testimony at the trial shows that Dr. Tildsley while at DeWitt Clinton, had never entertained any such prejudice against any of them."

(Page 10.)

### THE TRUTH IN THE CASE

As against the committee's so-called search for evidence of religious prejudice, we, more fortunately situated, are able to adduce very convincing proof of the existence of a very deep anti-Semitic prejudice on the part of several influential officials connected with the prosecution. We know nothing about Dr. Straubenmuller's connection with our case. The charges and the specifications were preferred by Dr. Tildsley. To a sub-committee of the Teachers' Defense, one member of the Board said: All the men (i. e., the dismissed teachers) were Russian Jews. Their parents had come from Russia; the day was soon coming when they would be sent back to Russia where they belong. . . . They try to practice the things they couldn't do in Russia! He hoped to see the day when there would be no more Russian Jews in this country! . . . This is but one illustration of a prejudice that existed in the minds of several of

the Board members. (We have examined carefully the pages referred to (102, 165, 234) and find no reference whatsoever to the religious faith of the three teachers. The text refers merely to the records of the three teachers.)

Any member of the New York City teaching profession who is at all intimately acquainted with Dr. Tildsley's career, will have no trouble in recalling several damaging cases of race prejudice in which Dr. Tildsley's anti-Semitism is flagrantly revealed. Of the several instances of anti-Semitism (which in the near future will be fully published in the case against Dr. Tildsley) we choose one as illustrative of the kind of bias that operated against the dismissed, transferred and interviewed teachers. The following quotations are taken from the official testimony of *Examiner Byrnes, Commissioner Churchill, et. al.*, in the case of Cohen vs. Pugh and Collins, the appeal of which is now pending in the court.

Note: At the time of the Cohen hearing, Dr. John L. Tildsley was principal of the High School of Commerce. The hearing occurred at the Hall of the Board of Education, Nov. 14, 1916. All the incidents leading up to the hearing occurred during Dr. Tildsley's principalship at Commerce High School.

(Official Minutes, Pages 63, et. seq.)

BY MISS LEVENTRITT:

Q. Is it true, Mr. Smith, that since this time it is the sense of the Board of Examiners that no Jewish candidates be given classroom tests at the High School of Commerce?

A. I have heard of nothing of that sort. We have not any special high schools in which to test Jewish candidates. We make no distinction whatever on that line.

BY MR. CHURCHILL:

Q. Do you know whether there is that *coincidence*; that no Jewish candidate is given classroom tests at the High School of Commerce?

A. I am certain that it cannot be the case.

BY DR. WILE:

Q. This is the only place you can give it for economics candidates?

A. Since that time we have sent economics candidates to other high schools. The DeWitt Clinton get some.

BY MR. CHURCHILL:

Q. Do you know, Mr. Tildsley, whether any Jewish candidates have been given classroom tests at the High School of Commerce?

A. I don't know, but I should think that there have been. We have a great many candidates there, and I am very sure there have been.

Witness: There must have been in many subjects.

*Mr. Byrnes: I was informed by Mr. Blunt, of whom I made that inquiry (he is the clerk who makes these assignments of candidates) that it is his understanding that no Jewish candidates, I do not know whether in all subjects or in some subjects, are to be sent to the High School of Commerce.* (Note: These are our italics.)

As further testimony establishing the plausibility of the charge of anti-Semitism, we quote the following excerpts from Professor Beard's statement concerning the dismissal of the three teachers: (Letter Dec. 15, 1917.) "On careful inquiry I find no little anti-Semitic feeling in the case—the three teachers accused being Jews. This is denied but it is a fact."

The most authoritative voice that has spoken the truth in relation to this malignant undertow of anti-Semitism comes in unmistakable accents from no less a person than ex-President William G. Willcox, who (in a letter, dated Jan. 25, 1918) honestly admitted: "I must confess to a great deal of uncertainty in my own mind regarding the course of the Board of Education. I cannot but feel that the attitude of some members of the Board, and possibly of Dr. Tildsley himself, was influenced in some degree by the so-called "Whalen Resolutions" and by opposition to the Socialistic views of these teachers, and possibly to some extent by racial considerations also. Furthermore, it was quite evident to me that in spite of the fact that no evidence was produced to indicate disloyalty, the whole atmosphere was charged with a suspicion of disloyalty which almost inevitably, although perhaps unconsciously, affected the judgment of members of the Board. . . . I felt during the trial, and I still feel that the whole situation was clouded by these irrelevant factors."

#### "THE TRIAL"

"In the matter of the three suspended high-school teachers, the expected has happened. The Committee on High Schools of the Board of Education has recommended the defendants for dismissal, after a hearing in which was disclosed a state of mental and moral obfuscation on the part of the prosecution which in any ordinary times would have excited public ridicule. The Board of Education will doubtless concur in the verdict and expel these men from the service of the city. The case not only was prejudged from the beginning, but was disingenuous in inception, unfair in method, and un-American in spirit. Under the plausible guise of an effort to eliminate disloyalty from the teaching force in the city schools, these teachers are being punished, not for disloyalty, but for having been active in connection with the adoption by the De Witt Clinton High School faculty of a set of resolutions criticising by name the chairman of the Committee on High Schools. In the prosecution of the case, that chairman has been virtually complainant, prosecuting officer, judge, jury, and executioner."

This compact summary on the unfairness of the "trial" is an editorial from the New York Evening Post, (Dec. 11, 1917). No one who is acquainted with the standing and traditions of this most admirable and high-minded of American newspapers can ascribe either the motive of partizanship or of wilful perversion of the facts to the writer of that editorial. But we shall not content ourselves with one distinguished opinion on the "trial". We take the liberty of quoting the most distinguished educator-philosopher America has produced. In his speech at DeWitt Clinton High School (Dec. 15, 1917), Prof. Dewey, commenting upon the so-called trial of the three teachers said: "These teachers have not gotten the rights of a fair hearing which everywhere else in the life of a citizen they have a right to before being held guilty. These teachers are not under trial for *acts* of any kind. They are under accusations.... So far as the evidence brought against them is concerned, there is absolutely nothing but charges about their private views and private opinions; and those views and opinions were not expressed within any school, but were brought out, taking it at their worst, taking it at Mr. Tildsley's and Mr. Paul's statements, in a purely private and personal hearing. *I don't know what this is called in 1917, but I know what it used to be called. It used to be called the Inquisition.*"

On the day of judgment, Dec. 19, 1917, every member of the Board of Education had placed on his desk before

him a copy of the following letter signed by twelve distinguished professors representing Columbia University, Teachers' College and the College of the City of New York:

PROFESSORS' LETTER (Dec. 19, 1917)

The situation in connection with the cases of the accused DeWitt Clinton High School Teachers appears to us in danger of becoming irretrievably confused. Contradictory statements are made by those in authority who are pressing the case against the men as to whether the loyalty issue is involved. The general public believes that nothing more cruelly unjust could happen than at this critical time of war to have the professional career of teachers blasted under imputation of disloyalty if the actual charges against them are of another nature. On the other hand, the statement is widely current that the real source of the difficulty is found in the internal friction in the administration of the DeWitt Clinton High School. In the interests of public education and in justice to the officials of the school, this statement should either be substantiated or shown to be false.

In this confused state of affairs, the need for further inquiry and deliberate consideration in order to ascertain facts and clear up issues seems manifest. There appears to be no urgent need for haste. Since the accused have already been suspended from school duties, no harm can arise from delay in case further inquiry should show them to be unworthy of retention. Decision in many less important cases has frequently been deferred in order to assure impartial decision. Accordingly, as citizens having direct professional interest in education, we respectfully suggest such delay as will enable the facts and the issues involved in them to be made clear.

(Signed)

W. T. BUSH  
M. R. COHEN  
JOHN DEWEY  
A. J. GOLDFARB  
CARLTON J. H. HAYES  
N. P. MEAD

W. P. MONTAGUE  
H. A. OVERSTREET  
THOMAS REED POWELL  
J. H. ROBINSON  
DAVID SNEDDEN  
J. P. TURNER

Prof. Charles Austin Beard (who was present at the "trial") said in a letter which he made public Dec. 15, 1917; "It is evident that there was bitter feeling between Mr. Whalen and the teachers of DeWitt Clinton High School before the loyalty issue arose. It is therefore in large measure an administrative fight—Mr. Whalen being prosecutor, judge and jury in his own case."

Mr. James H. Post, who had originally voted for the dismissal of the three men and a week later, because of conscientious scruples and doubts, changed his mind, wrote a letter to Commissioner Finley in behalf of the three teachers the last paragraph of which reads: "I feel that several members of the Board of Education did not have sufficient opportunity to consider the matter, in view of the fact that the last two meetings had to be largely given up to properly concluding numerous routine matters of the Board."

What more startling confession of the fundamental unfairness of the "trial" of the three teachers could be asked for than the following editorial appearing in the New York Times (Dec. 21, 1917) :

"There is probably something of disquietude or dissatisfaction in the minds of many of the city's entirely loyal citizens as a result of the severe punishment just inflicted by the Board of Education on the three high school teachers convicted by it of the rather vague offense of conducting themselves in a way that does not become men in their position. This feeling is natural enough, and it has several excuses.

For one thing, there has been made the always more or less effective appeal to our veneration of the much-misunderstood right of "free speech." *For another, the proceedings at the trial of the accused teachers were obviously not such as would have brought about a conviction in a court where the established rules of evidence were observed.* As it happens, however, the case was not, so far as the Board was concerned, one that required observance of those rules, but rather for the use of the far less rigid method of judging evidence which, while it always offends the lawyers, still is considered, and rightly considered, by all reasonable

men as adequate in determining action in their own affairs, no matter how important.

The defenses of the three teachers are all technical, and they are all weakened or vitiated by the mistake of considering the personal interests and legal rights of the teachers instead of the community's need to have its children properly taught by example as well as by books.

(From an editorial in The New York Times—Dec. 21, 1917.) (Our italics.)

Com. Thomas W. Churchill said:

"This is a pitiable travesty of a trial. I wouldn't send a dog to his doom on such evidence."

Com. Joseph Barondess said:

"This is not a trial. This is a lynching on unsupported allegations."

Prof. Harry A. Overstreet said:

"The trial itself was conducted under conditions that would excite great concern in a Court of Law."

Prof. Charles A. Beard said:

"It reminds me of nothing so much as the mediaeval days."

Mr. Randolph Bourne said:

"This is a public execution."

Dr. Wm. H. Allen said:

"Travesty and menace are weak pictures of this grotesque mis-defense of loyalty.

"No court would call a tramp disloyal on the basis of such facts as are adduced to justify branding and dismissing three teachers as disloyal.

"The dismissal of three teachers, on facts given, is infinitely more disloyal and dangerous to American ideals than anything charged or implied against the teachers."

(From Public Service Bulletin, Dec. 18, 1917.)

And finally, we quote a remarkable passage from the testimony itself, in which Mr. Herbert C. Smyth, counsel for the teachers, one of the most acute cross-examiners, gives it as his legal opinion, in speaking of the procedure: "It is something comparable to the old Salem witchcraft trials, that persons who are supposed to have views that are not in consonance with the views of the community are put on trial and asked suppositious questions, not as to what

they had done, not as to what their duty required them to do, but taking a case that is not in point at all, what would you then do." (Testimony, page 263.)

## THE CASE AGAINST THE PROSECUTION (as evidenced by the testimony of their own witnesses)

### WHAT THEY SAY:

(in their Report)

p. 27

"In each of the three cases the testimony of the school officials (together with the exhibits) in the opinion of the Committee, establishes the charges made. *Their statements are simple, straightforward and positive. The testimony of one official is corroborated by that of the others.*"

### THE TRUTH OF THE CASE:

As the quoted testimony of the prosecution's witnesses will reveal, their statements, far from being "*simple*" are involved, hesitant, self-contradictory and often obscure; far from being "*straightforward*," some of what purported to be the most damaging evidence, upon examination, proved to be crooked and disingenuous; instead of being "*positive*," their statements in large measure are either positively wrong or utterly inadequate. As we shall see! In fact, the evidence reveals at every turn a self-interested motive that comes close to the margin of collusion and conspiracy. As we shall see. One would expect that the witnesses for the prosecution would indeed corroborate each other's statements, for in truth they had one and the same sinister intention. But, in fact, as we shall show, their statements are often contradictory and conflicting.

## ILLUSTRATION I. (Case of Conflicting Testimony)

Volume of Testimony p. 32.

Volume of Testimony, p. 48.

vs.

MISS GARRIGUES

- Q. Did he (Dr. Paul) make any exclamation at that time in reference to the position that he deemed Mr. Schmalhausen to be in?

DR. PAUL

- Q. She says that you said, "Now I've got him." Did you not say that?  
A. I regret that I must remain at variance with Miss Garrigues.

- A. He said, I think—yes, he said something.
- Q. What was it he said?
- A. He said, I think, "I have him now."
- Q. Are not the words that he said, "Now, I've got him?"
- A. I think so.
- Q. You think so?
- A. Yes.
- Q. You have always known her as a lady of absolute veracity?
- A. Yes.
- Q. Can you imagine how she could make such a mistake as that?
- A. I can only—the only solution I can get would be from the words of your client in the room at the time when he spoke of her as an emotionally energized lady on occasion.
- Q. Do you think that is an answer to my question?
- A. I can find no other.

Is this one of the examples the Schoolmasters' Committee had in mind when it referred to the statements of the school officials as being "simple, straightforward and positive;" that "*the testimony of one official is corroborated by that of the others?*"

### ILLUSTRATION II.

#### (Case of Contradictory Testimony)

p. 57.

p. 84.

vs.

DR. PAUL

- Q. So that if this essay (the Herman letter) had been presented before that in class to Mr. Schmalhausen and he had had the opportunity of criticising, as he had according to his marginal notations, you would have great hopes that the next time the boy was called upon to address that particular subject it would be in an entirely different vein, would you not?
- A. I have not only hope but knowledge that the boy has under the control and direction of another teacher seen the mistake that he made in writing that letter.

DR. TILDSLEY

- Q. And the very thing that I am trying to make, the point I am trying to make is this answer in Herman's case, because that attitude was found out by his answer to that assignment, and his ideas have been rectified?
- A. His ideas, in my judgment, have not been rectified.
- Q. Have you not admitted that before?
- A. I have not.
- Q. Did you hear Dr. Paul testify that his (Herman's) ideas now were entirely different than what they were?

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- Q. Did this other teacher follow the annotations of Mr. Schmalhausen in criticising that essay?
- A. The other teacher did not discuss that essay per se.
- Q. I see.
- A. The other teacher presented to the boy a better understanding of the German Government, according to the boy's statement to me.
- Q. No opportunity was given to Mr. Schmalhausen to present any idea of the German Government to this boy, was there?
- A. Not as I know of.
- Q. None that you know of. In fact he was suspended before there was any opportunity for him to do anything about the matter further than write the annotations in your office? What?
- A. That is correct.

Is this another classic illustration in which "the testimony of one official is corroborated by that of the others?"

#### ILLUSTRATION III.

(Clear case of prejudice)

(Page 160, Dr. Tildsley speaking.)

- Q. Now wait a minute, Doctor, you are not interested in having this man discharged, are you?
- A. *I am interested.*
- Q. You want him discharged?
- A. *I do want him discharged.*
- Q. Then you are an interested witness?
- A. I am interested in my capacity as Superintendent of Education.

#### ILLUSTRATION IV.

(Clear case of personal animus)

(Page 217, Dr. Paul speaking.)

- Q. Did he (Schneer) say pacifist?
- A. I do not recollect the exact word.

- Q. Then why did you use that ugly word if he did not say it?
- A. With no intent.
- Q. Are you sure about that?
- A. Absolutely.
- Q. Then will you withdraw it?
- A. Willingly.
- Q. Thank you.
- A. But may I substitute the name I know he did use?
- Q. What?
- A. The name you asked me a moment ago.
- Q. Lippman?
- A. Beg pardon; Walter Lippman, yes.
- Q. Is that the name that you meant?
- A. That is the name that I meant.
- Q. Did you know that he was one of the advisers of President Wilson?
- A. I did not.
- Q. Do you consider any person who speaks from the stage, not in uniform, as a pacifist?
- A. No, sir.
- Q. That was a slip on your part, not intending to injure Mr. Schneer?
- A. Not intending in any way to injure Mr. Schneer.
- How will the Schoolmasters' Committee account for this most interesting slip of the tongue? Is this, in Mr. Dotey's phraseology, an illustration of "lapsus linguae?"

#### ILLUSTRATION V.

(Illustration of testimony that is "simple, straightforward and positive!")

Page 93. Mr. Anthony speaking)

- Q. When Mr. Schmalhausen was asked whether he would allow a similar letter to be read, is not really what happened this—that Mr. Schmalhausen called attention to the fact that Herman was a very intelligent boy, as shown by his record?

- A. I do not recall it.
- Q. Do you deny it?
- A. I do not recall it.
- Q. Do you deny it?

- A. I simply do not recall it.
- Q. You won't answer that question?
- A. I simply do not recall it.
- Q. You won't answer that question?
- A. I do not recall it.
- Q. Will you answer the one question that I ask you, do you deny that that was said?
- A. I do not deny it. I do not recall it.
- (Mr. Smyth) Thank you.

#### ILLUSTRATION VI.

(Case of Tildsley vs. himself)

Page 166.)

- Q. You say that you asked him whether he was in favor of early peace?
- A. I did not.
- Q. Did you mention that subject?
- A. I did.
- Q. In what respect do you now say you mentioned that subject?
- A. I told him that I had drawn the inference that he was in favor of an early peace. I did not ask if he was in favor of an early peace. I told him that I had drawn the inference from his own attitude in the matter.

*Q. Assuming that he is in favor of an early peace, should he be discharged for that?*

- A. *I should say yes.*
- Q. Are you in favor of an early peace?
- A. I am not.
- Q. You are in favor of prolonging the war indefinitely?
- A. I am not.
- Q. Then it is one or the other? Which is it? Do you want an early victorious peace?
- A. I do.
- Q. Then you want to see an early peace?
- A. Not necessarily.
- Q. I do not quite get you. Are you a loyal American citizen?
- A. I am.
- Q. Then you do want to see an early peace, do you not?

A. Not necessarily.

Q. Well, but—

A. What is the use of arguing about that?

Q. Because I want to see how—show you how unfair you are.

A. I am not unfair. I want a victorious peace as early as it can be brought about.

Q. Is there anything he said that was different than that?

A. Yes.

Q. What?

A. He wanted an early peace whether it was victorious or not.

Q. Did he say that?

A. I—

Q. Did he tell you that?

A. *I do not believe he said it in those words, no, sir.*

Q. Did you, in your direct examination, say anything of that kind?

A. Not in that language; no, sir.

Q. Have you not just thought of it when I put the word "victorious" in your mouth?

A. No, sir, we both had in mind, or at least I had in mind, the idea of a peace such as the United States Government was working for.

Q. Did you call his attention to the fact that you were inferring that he desired an early peace without victory?

A. No, sir.

Q. Then why should you assume that he wanted an early peace without victory?

A. By the context of the conversation.

Q. And that context you have given us?

A. Not all of it.

Q. Why did you not give us all?

A. I gave you the main things as I remembered them. The conversation lasted about half an hour. I have not reproduced it all. . .

Q. Had anything been said in that conversation about a victorious United States, a victorious peace?

A. Not a word as to victorious, because the instance was the boys in the classroom discussing a movement in favor of peace.

Q. You have answered the question?

A. No, I have not.

Q. You have and I am going to ask another one. It is true, is it not, Dr. Tildsley, that you want an early peace?

A. No it is not true.

Q. *Then you want a prolongation of this world misery, do you?*

A. *To a certain extent; yes.*

Mr. Smyth: Thank you, that is enough. (Our italics)

For a revelation of an utterly confused, intellectually incompetent and provincially prejudiced mind, this testimony of the chief witness for the prosecution will go down in educational literature as another Comedy of Errors.

The reader can no longer remain in doubt as to the pathetic show of virtue lamely revealed in the self-righteous assumption of the Schoolmasters' Committee that the statements of the school officials testifying for the prosecution are "simple, straightforward and positive. The testimony of one official is corroborated by that of the others."!!!

A few more illustrations culled judiciously from the volume of testimony will shatter completely the overweening self-confident assumption of the Schoolmasters' Committee!

## ILLUSTRATION VII.

### (Contradictions)

Testimony Pages 69 and 70.

DR. TILDSLEY

A. It is my opinion that a letter such as that would have a very serious effect on the boys in that class. . . This is not a mere theorizing on my part, but I have talked with the boy who wrote this letter, namely, Herman, who came to my office, and I asked him whether he would have written such a letter in the case of another teacher named Loughran, and he said he would not.

Testimony Page 136.

HYMAN HERMAN

Q. Was anything said about Mr. Schmalhausen by Dr. Paul at that interview? (Herman had been called to several interviews by Dr. Tildsley and Dr. Paul.)

A. Not directly, or as far as I know, indirectly, but Dr. Paul wanted to know whether I would have written in any other teacher's class such a composition.

Q. What did you tell him?

A. *I told him, as I felt at the time I would have written it in any teacher's class.*

(Mr. Smyth, Counsel for Defendants, continuing (Herman on stand.)

Testimony, Pages 136-7

Q. Did they ask you whether Mr. Schmalhausen had influenced you in writing the letter, so that you did write that letter?

A. *I suppose that is what they wanted me to tell.*

Q. What did you tell them?

A. I told them nobody had influenced me, *I would have written it in anybody's class.*

(Mr. Smyth) : That is all.

*Cross examination of Hyman Herman by Mr. Mayer, Counsel for Prosecution.*

Q. Would you have written this letter in Mr. Loughran's class?

A. *Had he given me the topic, I would have written such a letter.*

Q. Even though Mr. Loughran had inculcated a spirit of patriotism in his class?

A. *I do not remember Mr. Loughran having inculcated any special spirit of patriotism.*

Q. You do not?

A. I do not.

Q. Would you have written it in Mr. Lapolla's class?

A. Yes, sir.

Q. You would have written it?

A. Yes, sir.

(Counsel for the Prosecution still trying to compel Hyman Herman to assert that he had been given special instruction in patriotism by teachers other than Mr. Schmalhausen). . . . Testimony, Page 141 (for following) :

Q. Your note addressed to your fellow students came as the result of the teachings which you imbibed since you wrote the letter to President Wilson of October 22, 1917, through your history teacher in the history class; is that right?

A. From the history book in my history class.

Q. And your teacher there?

A. And my teacher perhaps.

Q. Perhaps, do you say?

A. *He just simply pointed out what was in the book.*

Q. Did he ever give you any direct instruction in patriotic attitude toward the government?

A. *No direct instruction.*

Q. No direct instruction?

A. No, sir. (Our italics.)

#### ILLUSTRATION VIII.

DR. TILDSLEY . . . . . VERSUS . . . . . COM. JOHN WHALEN  
(Testimony, Page 74)

(Concerning the *Whalen Resolutions*) . . . . .

Q. To whom did you make any informal or any preliminary report, or to whom did you tell what the result of your conversation was?

A. I talked with the Board of Superintendents about it.

Q. Who else?

A. I do not remember; I talked to President Willcox—I do not remember whether I talked to President Willcox before or after I had made the investigation, but I have not made any report on that investigation as yet.

Q. *You have spoken to Chairman Whalen about it?*

A. *Probably I have; yes, sir.*

Q. Probably? Have you no recollection about it?

A. I have no recollection of having made any formal report.

Q. I did not ask you for any formal report.

(Chairman Whalen interrupts):

I can say that to you, he has not done so to me.

(Mr. Smyth): I did not say he had made any report.

(Whalen): *He has not discussed it with me.*

(Mr. Smyth): Do you mean he has not spoken to you, Mr. Chairman, about it?

(Whalen): No. (Our italics.)

#### ILLUSTRATION IX.

(Dr. Paul's Animus)

(Testimony, Pages 32 and 33)

Mr. Smyth: I think I am entitled to show animus if there is any.

Mr. Mayer: *It does not make any difference whether there was any animus or not.*

Chairman Whalen: No, I do not think it does. We

are just trying this specific charge. . . . We won't pay any attention to the *animus* of Dr. Paul, if any.

Mr. Smyth: It may have this to do with it your Honor, that it will go to the credibility of those who framed the charges if they had a definite purpose and pre-judgment coming from a definite purpose beforehand in attributing innuendoes or insinuations or interpretations or statements alleged to have been made by Mr. Schmalhausen. It sometimes takes but the transposition of a little word to spell the difference between guilt and innocence. *If there has been a predetermined effort, in the words of Dr. Paul, "to get Mr. Schmalhausen," we find an underlying motive for that which will be illuminative when we come to hear the testimony of his accusers.*

Chairman Whalen: Mr. Smyth, we are interested in trying these charges, and if there is any feeling between Dr. Paul and Mr. Schmalhausen I do not think that we want to go into that, because these charges are preferred by the superintendent and they are specific, and if we are going to undertake to try *all these little things that happened before and after, we shall never get through with the trial of this case.*

Mr. Smyth: May I respectfully urge upon your Honor that the only object I have in asking this particular question is to show that the *genesis of these charges was an occurrence which had previously resulted in the adoption of the resolution which were critical of your Honor.* (Our italics.)

### PUBLIC OPINION IN THE CASE

#### PROFESSOR LOUIS S. FRIEDLAND SAYS:

"I consider that the official vindication of the teachers who were suspended by a moribund Board in its last days, after the people of this city had disowned most of the members of this Board, is a matter of the utmost importance. The actual vindication of the suspended teachers is made clear to all who read the evidence in the case."

\* \* \* \*

#### MRS. JOHN DEWEY SAYS:

"I think their reinstatement will bring a new sentiment for justice into play with that part of the public who have known their history, and that it is demanded for this reason as well as for repairing the professional wrong that has been put upon them personally."

\* \* \* \* \*

### REV. NORMAN THOMAS SAYS:

"So far as I can gather from the newspapers the treatment measured out to them was unjust to them and dangerous to any sound theory of education or democracy.

"I have read with care the evidence of the trial of the three teachers of De Witt Clinton High School. It confirms my opinion that they were victims of injustice and that the attitude of the School Board is not beneficial to the best interests of education."

\* \* \* \* \*

### WINTER RUSSELL SAYS:

"I feel strongly that democracy has received a severe blow in this infringement upon the rights of American citizens as well as of public school teachers; nay, as a father of four children, one of whom is now attending the public school and all of whom I expect will, as they become of age, attend the public schools, I feel that the rights of pupils were hereby abbreviated if not grossly assaulted.

"I shall not attempt to present any new view of the case because I realize of course that you will go into it most thoroughly, but I simply want to add my petition to the hundreds who will no doubt write to you, and to the thousands who feel just as deeply as I do, but who may not take upon themselves the initiative of addressing you in behalf of those three forward-looking and independent young men." (Letter to Dr. Finley)

\* \* \* \* \*

### FREDERIC C. LEUBUSCHER SAYS:

"I have just finished reading the testimony taken at the trial of the three High School instructors who were dismissed by the Board of Education of this City last December. I had received the impression from the newspaper accounts that they were dismissed for disloyalty to the government of the United States. A reading of the record, however, shows that no charge of disloyalty was made, but that the charge was conduct unbecoming a teacher, and even that charge was not proven. The only explanation I can find for their dismissal is that it was the result of public hysteria.

"I hesitated for some time about writing you for fear that my advocacy of their case might do more harm than good, because of my German name. You know me however, to be a loyal American citizen. Indeed considering my ancestry, it would have been difficult for me to be otherwise. My father was one of the revolutionists of '48, and was obliged to flee to this country about the same time that Carl Schurz arrived here. After he had become an American citizen he enlisted in the first New York regiment that went to the front, serving throughout the war of the Rebellion and commanding his regiment in many of the large battles, being wounded twice. Were he alive today he would do all he could to fight for democracy against autocracy. Being dead, his son must continue the war for freedom which he began seventy years ago.

"Knowing that you are not the sort of man who can be influenced by public hysteria, I am confident that your consideration of the case will do full justice to the appellants." (Letter to Dr. Finley)

\* \* \* \* \*

### MRS. J. P. WARBASSE SAYS:

"I attended the hearing at your request on Monday, the testimony for the prosecution was incredible. It does not seem possible that in the Twentieth Century, people—Educators—could hold or at least *state* such opinions, in a democracy too!"

\* \* \* \* \*

### DUNCAN MACDOUGAL SAYS:

"I am one of a large number of the people of New York who would be glad to see the above-named teachers re-instated. Indeed, in my work as a lecturer and writer, and in my more immediate domestic circle, I have heard but one person speak unfavorably of the teachers; and that one also expressed himself out of sympathy with those who proceeded against them.

"In reviewing the printed evidence I am amazed at the findings of the Committee on High Schools; and one questions whether one is living in the twentieth century or not. I was formerly a lecturer at St. Andrew's College, University of Sydney; and was for some years in practice as a teacher in London, England: having instructed in the households of the Duke of Portland, the Hon. Mrs. E. L. Franklin and other distinguished circles; but in all my experience I have never known such an obvious, unmitigated outrage against our profession. To speak in cold blood, the conclusion of the trial is so contrary to just reading of law, and all equity, that I cannot but subscribe to the general opinion that the three teachers were sentenced by their official enemies before ever their trial began. The evidence against them being so arbitrary and inconsequential, so impertinent even to the puerile charges, I agree with the great majority of my friends and acquaintances in holding the proceedings to be farcical in the extreme.

"Surely all sane persons interested in the progress of education must assume that if Dickens or Swift or Molière were amongst us, each and all would pour scorn and ridicule on the Committee and on the Board, on Chairman John Whalen and Associate Superintendent Tildsley. And did not Shakespeare himself evoke a vision of the Chairman and the Assistant Superintendent in the no less renowned unconscious comedians, Dogberry and Verges of that ilk? But returning to the more pitiable aspect of the case, and the printed evidence, was not all honesty and manliness on the side of the accused, and the most contemptible bullying, meanness, and prevarication, if not perjury itself, on the side of the accusers? In plain English, we the public believe both the investigation and the trial to be framed up. We demand either a new trial or the re-instatement of the three teachers. The fact that some of the Committee

have already reversed their decision is one other reason for the re-instatement of the teachers; more particularly as these votes, if given in due time, would have freed the accused." (Letter to Dr. Finley)

\* \* \* \* \*

### OWEN R. LOVEJOY SAYS:

"I have followed with some care the entire proceedings at the time of the so-called trial last Winter and failed to recall any instance in which there has been so evident a miscarriage of justice or a case in which the final verdict had been so obviously determined upon before the examination began.

"I am very keen, as you know, for the principle that loyalty to our American Democracy and its free institutions must be maintained, and that in a time like this it is particularly important that it be emphasized. I do not believe, however, that our elementary schools or even secondary schools should be turned into training camps for the Army because the bulk of loyal service our citizens, especially the youth, can perform, is of quite a different character. At the present time their chief need is to develop sound minds and sound bodies in order to prepare for whatever emergency the future may demand, and I think the attitude of some of the school officials in turning the attention of children away from their studies to the almost continual contemplation of military activities constitutes a kind of intellectual dissipation highly detrimental to the development of the pupils and the welfare of the public.

"Apparently the offense these three teachers committed was against a superheated Prussian type of patriotic absolutism and their determination to stand on the principle of freedom of thought and expression in the public school to the fullest extent consistent with public safety and public morals.

"I do not know any of these men personally nor their abilities as teachers, but I am convinced that our system of public education cannot afford to bear the onus of requiring a blind and unthinking obedience to authority which would not be tolerated in any of the other warring countries today—with the possible exception of Germany and Turkey.

"If these teachers are to be dismissed permanently from the teaching staff as unfit custodians of the education of our youth, it should be on a trial and conviction so clear-cut as to leave no doubt in the public mind.

"I beg you, therefore, as one who admires your spirit of democracy and fair play, to use your official power and influence for the re-instatement of these men." (Letter to Dr. Finley)

\* \* \* \* \*

### HARRY WEINBERGER, LAWYER, SAYS:

"I was graduated from De Witt Clinton High School many years ago, and while attending the school, many a time and oft, in athletic games, I carried her colors to victory, and my memory is

of teachers who were thinkers and individuals; and so I have a personal interest in the case.

"I have examined the record, and I believe that the teachers were unfairly dismissed. That Mr. Schmalhausen said: 'He was loyal to the truth rather than to persons,' is certainly a crime, if we admit our school system has gone back to the days of the Spanish Inquisition. The discussion and the quibbling on the part of the school authorities appear like the old discussions as to how many angels could dance on the point of a needle. Nothing in the evidence shows that these teachers were not men of ability and that they did not give satisfactory services as teachers. Only the war with its accompanying hysteria in some individuals can even lead us to forgive the imbecility of these proceedings. Miss Garrigues' testimony that Dr. Paul said: 'I have him now,' or 'Now I've got him,' referring to Mr. Schmalhausen, (knowing Miss Garrigues as I do, and knowing that that is the truth), shows the animus behind Dr. Paul, and shows a mind that would lay a trap to catch the unwary, and come to believe that honesty is really disloyalty, and that independence is really subserviency to autocracy.

"From the days of old the highest duty of a teacher was to think and honestly come to a conclusion and inculcate in his pupils and those coming under him, a desire for the truth. Pupils may come to a wrong conclusion as a result of their honest thought, but that is not so important as the question whether they think, because if they think wrong today, but really think, to-morrow they may think right.

"Our great objection to German methods and German thought is the regimentation of the mind. This trial makes me believe there are many officials in our school system of New York who also believe in the regimentation of the minds and the thoughts of the teachers of our school system."

\* \* \* \* \*

Edward F. Alexander, Lawyer (Cincinnati, Ohio), writes:

"I fail to find any evidence that any act or other conduct of any of these teachers was complained of or was in question. The testimony of Superintendent Tildsley, who brought the charges, is that he himself laid the foundation for them by making private inquisitions into the mental attitude of the three teachers with reference to his own conception of patriotism. This was done by means of hypothetical questions as to what they would do or say under certain imaginary conditions which never arose and in all probability never would arise. The answers of the teachers at these inquisitions, as recalled by Dr. Tildsley, would seem to constitute the unbecoming conduct complained of.

"Dr. Tildsley denies that the prominence of these teachers in connection with a certain teachers' protest resolution had anything to do with his singling them out for an investigation, but he fails to assign any other reason. His testimony reminds one of

the heretic hunters of the middle ages, and stamps him irretrievably as either an intolerant bigot or a vulgar, unscrupulous patrioteer. In either case he would seem to be unfit to be set over any part of an American school system. America is entitled to patriotic service in the schools, but she is also entitled to have her teachers free from the terrorizing activities of meddlesome trouble-makers.

"It is amazing that a school superintendent should file charges backed up by such an absolute lack of facts as exists in these cases, and it is beyond belief that a Board of Education should discharge competent teachers on such trivial substitutes for evidence.

"The motion of counsel for these teachers to dismiss the charges in these cases, should have been sustained immediately, with a reprimand to Dr. Tildsley for bringing them. In fact, Dr. Tildsley's conduct in these cases appears to be the only conduct unbecoming a teacher that was presented to the Board. The Board's action in sustaining the charges, points out the need of some protection for teachers by way of organization or otherwise, if teaching is to continue to be a dignified calling for men who think with their own minds."

## PUBLIC EDUCATION ON TRIAL

### PROF. DEWEY WRITES:

Social situations are never simple, and in wartime nothing is simple, save emotion. The educational conditions leading up to the dismissal of three teachers in a New York high school afford no exception to this statement. Guidance through the maze may be had, however, by reviewing the matter as a culmination of the established and traditional relationship of official superiors and inferiors in the school system, and as evidence of a sharp clash between two opposed social and educational philosophies. But since these causes have been exasperated by war conditions and war psychology, it is first necessary to say something about the "loyalty" aspect of the matter.

Almost up to the time of the meeting at which the men were dismissed, a reader of at least the editorial columns of the newspapers would have derived the impression that the teachers were accused of disloyalty of some degree or other. But by the time of the final meeting the prosecution had settled on another formula. The men were not charged with overt disloyalty; they were charged with a lack of that active or aggressive loyalty which the state has a right to demand, in war time particularly, from its paid servants. Now lack, absence, is a negative thing; it is notoriously difficult to prove except when the thing at issue is definite and tangible. Opinions even among experts differ as to the precise constitution of loyal patriotism; no burden of standardization has ever settled upon the exact tests by which its absence is to be determined.

The observer who bears in mind the negative character of the charge will have the key to many of the otherwise inexplicable phenomena of the testimony (I say testimony rather than evidence advisedly) and the trial. Ordinarily a person is innocent till proved guilty. The charge of

absence of something, that something not being clearly defined, shifts the burden. Anybody may then safely be considered guilty until he can present convincing evidence that he is in possession of the required article—which is, perhaps, one reason why negative charges have not been encouraged in the legal procedure of more enlightened countries. Moreover, charges of lack or absence encourage suspicion. With the multiplication of accusations and loyalty pledges in the schools—pledges which naturally such pro-Germans as there are sign with the greatest regularity and cheerfulness—the situation was approaching the point exemplified in the old tale: “There is nobody in the congregation orthodox but you and me—and I am not quite sure about you.” There follows another lack than that of active and aggressive loyalty, namely, a lack of intellectual scrupulousness in making and weighing charges. The lack of active loyalty is assumed to be so widespread that a sacrificial offering, even if somewhat vicarious, will be welcome to the God of Hosts. It is absurd to be too particular about positive evidence to prove the lack of a thing. There are suspicious circumstances; to punish this man will at least arouse others to a less passive patriotism.

One who reads the volume of testimony with these things in mind will have little difficulty in understanding either its concentration upon views rather than acts, views which might be entertained on various hypothetical occasions rather than any views ever actually uttered, or its desire to entrap individuals into obnoxious statements. Such an atmosphere breeds suspicion, accusation and violent action, the phenomena of Inquisition, whether of Torquemada, Salem, the Committee of Public Safety of the French Revolution, Lenine, or New York School authorities.

All this, however, concerns the spirit and atmosphere, the local color, of the school episode rather than its substance, or structure. These are to be sought, as has already been said, in the only too well established methods of school administration with respect to teachers. Quite independently of this episode, one of the least sensational of our school superintendents, Mr. Arthur Perry, has written a pamphlet regarding the problem confronting the new Board of Education. In it he frankly states that there is a general feeling that the building of the Board of Education is a circumlocution office; that there is practically no city-wide esprit de corps among the teachers; that because of this lack the “tremendous amount of enthusiasm and intelligence in the more than twenty thousand members is going pitifully to waste”; that the devotion of teachers to pupils—which is general—is due to dictates of individual conscience, rather than to leadership, and that the feeling is widespread among teachers that instead of looking to their immediate employers, the Board of Education, for support and aid, they must rather protect themselves *against* their employers by using the pressure of legislation or of public opinion to secure “even ordinary consideration.”

This is a temperate, and even tempered, statement. It indicates the background upon which a particular difficulty has been projected. If there has been a lack of “active” loyalty in support of the war, the charge affects not three alone nor yet thirty nor three hundred. But what it reflects is not lack of individual loyalty, but just this absence of leadership on the part of nominal leaders, an undermined esprit de

corps, a widespread scepticism and even cynicism, the immediate responsibility for which does not lie at the door of the teaching staff. Not merely the accused teachers but the teaching force has been left without inspiration, and the guidance of any constructive policy and hence exposed to every sort of irresponsible interference and amateur pressure.

It is matter of common knowledge that the strain in the relations between superior and inferior and the general unrest in the teaching staff have been on the steady increase during the latter years of the Mitchel administration. To the teachers that administration presented its most brutal face. All of the better informed of the friends of the now defunct Gary system in New York have been aware for some time that its success was fundamentally compromised if not doomed by the autocratic way in which it was formulated and imposed from above. Under Mr. Churchill, the cultivation of more co-operative relations with the teaching staff had begun; after the fusion administration broke with him, the situation became largely that described by Carlyle as anarchy plus the constable's club.

New York memories are proverbially short. But if any one will turn back to the newspapers of the pre-election days he will find them full of school riots and school strikes, for which the fusion campaign managers with the ineptitude which characterized their almost every act were holding, by name, Mr. Churchill, Mr. Somers and other members of the Board of Education, responsible. Pupils of De Witt Clinton High School were active in a strike against the imposition of the longer (seven hour) school day. The merits or demerits of this lengthened school day are of little account for present purposes in comparison with the fact that it presented one more autocratic decree and imposition from above. The teachers immediately affected were not even consulted as to its probable effects or the best way of administering it so as to mitigate the hardships it would work upon the many pupils who spent part of their time in earning money to continue at school. Provoked by these riots and strikes, and presumably as a Tammany man not particularly pleased at having them unjustly charged to Tammany, Mr. Whalen, the chairman of the High School Committee of the Board of Education, said that he would close the schools rather than allow teachers and pupils to "run them."

This utterance seems to have furnished the proverbial straw. Members of the school council, most of whom are among the dismissed and transferred teachers, prepared resolutions condemning Mr. Whalen's attitude as autocratic and called a meeting of the teachers of the school which passed the resolutions almost unanimously. The Inquisition followed. There is no evidence that Mr. Whalen himself instigated it. The variety and number of the coincidences with respect to the teachers called and not called, the questions asked, etc., amount to a mathematical demonstration of the connection between the two things. It was no accident that the inquiry began in and concerns teachers in the De Witt Clinton High School. Moreover this action on the part of teachers in that school did not stand alone. Before this episode the school had been famous—or if any one will, infamous—as a center of unrest, of independence, and of protest against autocratic administration. If an

example was needed, here was the place to begin. If specific charges of insubordination had been brought, the hearing might have cleared the air. Underlying causes of friction would have been brought out and the public been placed in a position to determine the balance of rights and wrongs. But it was more tactful to leave the indictment vague and to establish a subtle association between lack of loyalty to official superiors and to the nation.

The direct clash of educational philosophies as to methods of teaching and discipline in dealing with pupils presents the same conflict from another angle. The situation between teachers and pupils corresponds, point for point as the mathematicians say, to that between teachers and their employers. Hence the phrases "teaching instinctive obedience" and "respect for authority as such" (with true metaphysical emphasis upon the "as such") are permanent contributions of the trial to pedagogical literature. Teachers who do not instil in pupils blind "doglike" fealty to every kind of authority are not likely themselves to yield it. Teachers who regard the possibility of utilizing their own thoughtful experience as an important factor in conducting the schools will respect the intelligence of their pupils. This defines the fundamental issue. *Is automatic routine habit or the development of habits of reflective consideration to be the dominant aim of teaching and discipline?* Never has it been revealed more clearly that the latter is "dangerous" and the former "safe"—dangerous to whom and safe for whom being carefully concealed save as the subtle association with disloyalty may be insinuated. In spite, then, of the temporary prestige which war psychology may give to automatic habit over against thoughtfulness as an educational end, progressives might, were it not for danger of injustice to individuals, well be grateful to the reactionaries for having the issue so unambiguously set forth. The fact that this conflict of ideals and principles is the source of a multitude of other clashes and discrepancies is usually overlaid with irrelevant matter and ornamentally concealed with eulogistic phraseology. The trial has brought it out in a bald, naked, uncompromised form. The record stands. Like most reactionary triumphs after the issue is once revealed, the record will become a milestone in the history of the gradual victory of a progressive over a reactionary social and educational philosophy.—*New Republic*, Dec. 20, 1917.

DISTINGUISHED CONVERTS

(COPY)

JAMES H. POST,

129 Front Street,

New York City.

Jan. 16, 1918.

Hon. John H. Finley, President of the University and  
Commissioner of Education—State of New York.

My dear Dr. Finley:

In view of the fact that I was a member of the Board  
of Education from the first of January, 1917, until the close  
of the year, I am taking the liberty of writing to you

"In the Matter

of

The Charges of Conduct Unbecoming a  
Teacher, Preferred by Associate Superin-  
tendent Tildsley

against

Thomas Mufson, A. Henry Schneer and  
Samuel D. Schmalhausen, teachers in the  
DeWitt Clinton High Schools."

I was not present at the meeting of the "Committee  
on High Schools and Training Schools" of the Board of Edu-  
cation when the trial was conducted by that Committee, but  
I was present at the Board of Education meeting on De-  
cember 19, 1917, and voted in favor of accepting the re-  
port of the Committee recommending the dismissal of the  
teachers from the School System.

Before that meeting I had read the testimony and had  
tried to form an opinion as to how I ought to vote, and at  
the Board of Education meeting I gave very close attention  
to the addresses for and against the accused teachers, and  
finally decided to vote in each case, in favor of the dismissal  
of the teachers.

I had great doubt in my own mind, after reading the  
testimony and even after I had voted, as to whether I had  
done what was right in voting for the dismissal of the  
three teachers, and I now feel that the penalty imposed was  
too severe. Since the meeting I have given considerable  
thought and study to the testimony and have had confer-

ences with the teachers dismissed, and partly in view of their statements to me, I beg to request you to delay your final decision in regard to the matter, until you are able to give careful consideration to the appeal that I understand is being prepared by the Teachers to be submitted to you.

President Willcox, in his opening speech before the Board of Education, December 19, 1917, said: "The three teachers are not charged with disloyalty."

I am informed that the records of the three teachers, on file at the Board, attest to eight years of loyal and efficient service at the DeWitt Clinton High School.

I feel that several members of the Board of Education did not have sufficient opportunity to consider the matter, in view of the fact that the last two meetings had to be largely given up to properly concluding numerous routine matters of the Board.

With highest esteem, I am,

Very truly yours,

(Signed)

JAMES H. POST.

\* \* \* \* \*

\*LETTER TO PROF. GIDDINGS

(Publication permitted by Mr. Willcox,  
President of the Board)

Jan. 25, 1918.

My dear Prof. Giddings:

I thank you for sending me a copy of your letter to Dr. Finley regarding the three teachers dismissed from the DeWitt Clinton High School. I am interested to find that in spite of your emphatic position in the discussion of the matter in the High School Committee and in the entire Board, you now express yourself in favor of reinstating at least Mr. Schmalhausen and Mr. Schneer.

I must confess to a great deal of uncertainty in my own mind regarding the course of the Board of Education. I cannot but feel that the attitude of some members of the Board and possibly of Dr. Tildsley himself, were influenced in some degree by the so-called "Whalen Resolutions" and by opposition to the Socialistic views of these teachers, and possibly to some extent by racial considerations also. Furthermore, it was quite evident to me that in spite of the

fact that no evidence was produced to indicate disloyalty, the whole atmosphere was charged with a suspicion of disloyalty which almost inevitably, although perhaps unconsciously, affected the judgment of members of the Board.

I felt during the trial, and I still feel that the whole situation was clouded by these irrelevant factors. The one thing to emphasize and insist upon was the imperative necessity of positive and forceful influence in the classroom for inculcating in the pupils, loyal and patriotic attitude toward the American Government, and I could not but feel that the evidence bearing upon this crux of the whole situation was vague and indefinite. As you yourself forcibly pointed out, Mr. Schmalhausen's apparent reaction when faced with the scurrilous composition of one of his pupils, did not indicate any such indignant amazement and protest as should have been expected from any teacher having the proper attitude towards his responsibility for the loyalty and patriotism of his pupils, but rather a disposition to consider the matter as a subject for theoretical argument and metaphysical discussion. This, however, was only an inference without any positive evidence of such attitude on Mr. Schmalhausen's part and unsupported by any proof in regard to his actual influence in the classroom.

Mr. Mufson's refusal to answer when asked whether he believed it to be his duty to teach patriotism in the classroom naturally left the impression that he could not truthfully answer in the affirmative, and that, as Dr. Straubemuller said, he refused to answer because he was unwilling to lie. This again is merely an inference, however, and I can quite conceive that his refusal to answer was merely due to the mistaken belief that he should decline to answer any question not directly bearing upon the charges.

Mr. Schneer's statement that he would not allow a man in military uniform to address his class naturally created an unfavorable impression, but to my mind it was quite susceptible of the explanation that he was merely opposed to arouse in his pupils a militaristic spirit. The most serious evidence against Mr. Schneer, to my mind, was the sub-titles in his bibliograph. I am still quite at a loss to understand how any teacher fit to be entrusted with the moral training of High School boys could bring himself to

put before them such filthy suggestions as are contained in some of the sub-titles.

My own position, as President of the Board, was extremely difficult, especially as regards Mr. Schmalhausen and Mr. Mufson. At the meeting of the High School Committee, which I attended, I was apparently the only member who had any doubt whatever regarding the recommendation for dismissal of all three teachers, and I did not feel that, as ex-officio member of the committee, I was justified in submitting a minority report in opposition to the unanimous judgment of other members of the Committee, since such a minority report coming from the President of the Board would have inevitably carried a weight and influence to which my individual judgment was not fairly entitled.

When the vote was taken in the Board of Education, I was still so much in doubt that if any one of the 24 members who voted for dismissal had cast his vote for acquittal, I do not think I could have cast the deciding vote against either Mr. Schmalhausen or Mr. Mufson. When, however, the necessary number of votes had been cast by other members of the Board, I did not feel that I had any right to use my position as President to nullify or discredit their judgment, and I had no hesitation, therefore, in casting my vote with the majority.

The fact that you and Mr. Post, and possibly some other members who voted for the dismissal of these teachers have now reconsidered their judgment, must naturally affect Dr. Finley's judgment, since without your votes the teachers would not have been dismissed. The question to be considered now is not only justice to these three teachers, but also the effect upon the school system. I must confess that I was influenced not a little by the report from at least two of the Associate Superintendents that the Board of Superintendents was unanimous in considering all three teachers as undesirable teachers who should be dismissed for the good of the schools. I suppose they still retain that opinion, and I am afraid that the reinstatement of these teachers now could hardly fail to have an injurious effect upon the influence of the Board of Superintendents and the morale of the teaching staff. On the other hand, if an injustice has been done, it should of course be corrected as

far as possible, and as one of my business friends once said in a serious labor situation, "We can always afford to take a chance doing what is right". In view of the importance of the matter and the far reaching effect of Dr. Finley's decision upon the school system, I am wondering whether we should not suggest to him the advisability of a conference with us and with President Somers, Dr. Straubemuller and Superintendent Tildsley in order that he may have the benefit of these various points of view before reaching his final decision.

Sincerely yours,

(Signed) William G. Willcox.

\* This letter was also sent to Com. John H. Finley.

## RETROSPECT AND PROSPECT

### A Vital Summary

It is clear that in the City of New York at least there has been a serious lack in educational circles of the ordinary standards of honorable conduct. This lack of standards on the part of officials is a logical outcome of an autocratic system. When one man or a small set of men determine the policies of a great educational system of 22,000 teachers and 800,000 children, the ideals and practises of those few are not likely to be any better than the few think out, and find serviceable to their purposes.

When the rest of those who serve the City in that Department are not expected, or even permitted, to participate on a democratic basis in the formulation of policies, there are two effects noticeable. One is the absence of any considerable interest on the part of teachers in questions of educational policy. Another is a tendency to accept the official point of view on all issues that arise in the administration of education. Thus, even when an exposure is made of methods pursued by educational officials that are far from being honorable, the rank and file of the teaching staff will accept the situation, as it has invariably adjusted itself in favor of the officials. This is true even of offenses against the code of sexual morality. Women teachers of unquestioned personal character will seldom murmur a protest against the social insult of the presence of a principal whose conduct presumably offends them personally. Nay, they will even oppose anyone who does attempt to force the

issue of the public welfare by calling attention to the offensive fact.

There seem to be two interpretations of this attitude on the part of teachers. One is that any disturbance in the official relations of superior and subordinate will jeopardize the economic security of subordinates. Principals have no power to dismiss, but they do have the power to "rate" the teachers. A low rating supported by the low rating of a superintendent will result, in the first three years of service, in dismissal without a trial, and after three years in a stopping of the salary increase, and potentially in final dismissal. A point of even more far-reaching significance is the fact that *teachers in general do not think of their own professional activities in terms of social welfare*. If they thought even of the welfare of their profession itself, they would be inclined to risk their economic security for the larger benefit to their profession. On the one hand, the Teachers' Union finds itself in the midst of a professional conflict with a staff of educational officials in which there are some who on occasion employ dishonorable methods to maintain the autocratic system intact, while others agree by their silence, to the professional ethics involved. On the other hand, the Union has long realized the difficulty of striving to improve the conditions under which our work of teaching is done, especially when large numbers of teachers are willing to submit to those conditions, serious as they are. The leaders to whom the teachers have long been accustomed belong to the group from which the committee of the Schoolmasters' Association has been drawn. These leaders submit to the system as a matter of course, because their hope of advancement lies in their doing so. Even when they may be disposed to criticize occasional policies of their superiors, their "common sense" tells them that it is useless to object. Thus, the autocratic system that has grown up has held together thru the self-interest of he officials and their potential successors, aided by the acquiescence of the teachers.

As an instance of the psychology of teachers in relation to conflicts that involve important interests of their own, we may cite the general indifference and the lack of interest in the outcome of everyone of the major cases related in the body of our pamphlet. When the conflicts de-

veloped they were each regarded by teachers in general as lying between the officials and the accused teachers. In the earlier case mentioned there was in no quarter a common feeling that if a teacher has risked his position for an ideal of professional conduct, that other teachers should support his undertaking. It was to them a personal fight. In the later cases the Teachers' Union organized and conducted the defense with singular devotion. But no other organization did more than to express a private interest.

It is a feature of the union movement among teachers frankly to assail the psychology of complacency and to stimulate teachers to care about the conditions under which their work is done. There can be no real improvement of the teaching undertaken in the schools until a professional *esprit de corps* is developed. If the public is not well enough informed about educational matters to think about getting better teaching thru having teachers who are members of a real profession, then teachers themselves should do this in the interest of the public.

A real profession with standards which the members have developed has no place for a system of petty rating that lies at the root of the autocratic power. The members of a real profession will in their professional relation maintain the same social standards of conduct to which they submit in their own private life, and *they will demand the maintenance of these standards by others in their profession without regard to the non-essential relations of superior and subordinate.*

It is nothing less than preposterous that because a person happens to be a superior officer, he may employ his immoral inclinations and go scot free. Or that he may brutally mistreat and insult those over whom he has power. Or that he may inflict false charges upon those whom he dislikes for reasons of personal or racial antagonism. These things are continually being done in the educational system of the City of New York. They will be done again and again until the teachers themselves arise and stop it all.

The union movement is not primarily concerned, however, with making a campaign against incompetent or dishonest officials. But it is concerned thru the avenue of the participation of teachers in the management of the schools with the introduction of democracy in the institution where

the people's most important business, the training of young citizens, is carried on. Not only is this necessary for the improvement of the formal service of the teachers, but it is also necessary to feed the yearning among the intelligent for social power, for inspiration to go on to greater and greater accomplishments. Yet more than all is it necessary for the reason that all the world is awaking to the dream of democracy as never before. The school must be the seminar and the laboratory of democracy.

One of the most specious claims of autocracy is that it is only the occasional official who offends the public conscience, and that most of the educational officials are honorable and high-minded. The existence of an autocratic system of educational administration does not imply that all the superintendents and principals are over-bearing or dishonest. In fact the autocracy could not maintain itself at all if a very large number of the officials thru whom the system works out its purposes were not honorable and high-minded men and women. But the attitude of these commendable persons toward dishonorable or low-minded fellow officials is one of loyalty to officials *as such*, rather than to the social welfare *as such*. Hence, the regeneration of educational administration, and thru that the attainment of a more definite social purpose in education itself, is impossible of attainment merely by the process of having more of these good men and women, encouraging as that would be in a general way.

Slow as the process may be, the only hopeful indication of a solution of the problem of educational administration, and the loosening of the bonds on education, lies in the direction of the development of a social idealism on the part of the workers,—the teachers themselves. The movement toward the development of a spirit of class-consciousness among teachers must of course have its beginning amid tribulations. Injustice will often drive out from the profession the more aggressive spirits who begin the struggle, but the struggle once begun will gain force by the repeated efforts of those who are willing to take the initial risks. So long as the class-conscious movement among teachers strives with the vision of the social welfare ahead of it there can be but one end, and that is the ultimate triumph of an idealism in which the teacher is supreme in his serv-

ice to the people, and is a self-respecting, respected and effective agent in a democracy.

The rank and file of teachers are not likely to take up with a democratic movement that is evidently so unpopular with their superior officials, until it is borne in upon them that the methods of defeating critics thru "transfer," or dismissal, or by pigeon-holing incriminating evidence exhibits the characteristic weakness of all autocracies. At some time or other that form of human control must resort to arbitrary power, and that power is not backed in autocracy by the approval of the masses. Hence, it will be reduced to the necessity of imposing injustice to gain an immediate end, and that moment it is logically doomed.

On the other hand, the strength of democracy lies in the fact that it can never be wrong so long as it is true to the principle of seeking the good of all the people. Even under the disappointment of error, the agents of democracy have a source of power which makes their program unconquerable in the end. Even if the organization which in the present instance is responsible for calling to the attention of the public the shortcomings of a huge educational system proves to be ineffective in bringing about the regeneration of an important social institution the end of it has not come. The work will be carried on by others who must come forward in the social regeneration which the war with its destructive influence on traditions has made inevitable.

Education must be made safe for democracy and democracy for education!

#### EXHIBITS ON "CRITICISM IN WAR TIME"

##### EXPLANATORY NOTE

The Schoolmasters' Committee has cunningly attempted to taint the reader's mind with the suspicion that the purely educational criticism of the Teachers' Union (and *The American Teacher*) is somehow a species of "disloyalty." The fact is that The Teachers' Union has never even whispered an adverse comment on the administration's conduct of the war. It has from the beginning accepted and supported the President in his far-reaching idealism. What we should like to ask of the Schoolmasters' Committee is

this: What do they (and their co-patriots in the American Defence Society) think of the point of view and of the brand of Americanism of their great leader, Theodore Roosevelt (Honorary President of The American Defence Society) and of his political co-worker, Mr. Job E. Hedges?

(Exhibit A)

### CRITICISM IN WAR TIME

#### "CITIZENS OR SUBJECTS?"

(By Theodore Roosevelt, Honorary President of the American Defence Society.)

"In a self-governing country the people are called citizens. Under a despotism or autocracy the people are called subjects. This is because in a free country the people are themselves sovereign, while in a despotic country the people are under a sovereign. In the United States the people are all citizens, including its President. The rest of them are fellow citizens of the President. In Germany the people are all subjects of the Kaiser. They are not his fellow-citizens; they are his subjects.

"This is the essential difference between the United States and Germany, but the difference would vanish if we now submitted to the foolish or traitorous persons who endeavor to make it a crime to tell the truth about the Administration when the Administration is guilty of incompetence or other shortcomings. Such endeavor is itself a crime against the nation.

"Since this war began the suppression of the truth by and about the Administration has been habitual. In rare cases has this been disadvantageous to the enemy. In the vast majority of cases it has been advantageous to the enemy, detrimental to the American people and useful to the Administration only from the political not from the patriotic standpoint.

"The Senate Judiciary Committee has just recommended the passage of a law in which, among many excellent propositions to put down disloyalty, there has been adroitly inserted a provision that anyone who uses 'contemptuous or slurring language about the President' shall be punished by imprisonment for a long term of years and by a fine of many thousand dollars.

"This proposed law is sheer treason to the United States. Under its terms Abraham Lincoln would have been

sent to prison for what he repeatedly said of Presidents Polk, Pierce, and Buchanan.

"It is a proposal to make Americans subjects, instead of citizens. It is a proposal to put the President in the position of the Hohenzollerns and Romanoffs.

"Government by the people means that the people have the right to do their own thinking and to do their own speaking about their public servants.

"Any truthful criticism could and would be held by partisanship to be slurring or contemptuous. The Delaware House of Representatives has just shown this. It came within one vote of passing a resolution demanding that the Department of Justice proceed against me because of my recent speeches in Maine.

"I believe the proposed law is unconstitutional. If it is passed I shall certainly give the government the opportunity to test its constitutionality. For whenever the need arises I shall in the future speak truthfully of the President in praise or in blame, exactly as I have done in the past.

"When the President in the past uttered his statements about being too proud to fight and wishing peace without victory, and considering that we have no special grievances against Germany, I spoke of him as it was my high duty to speak. Therefore I spoke of him truthfully and severely, and I care nothing whether or not timid and unpatriotic and shortsighted men said that I spoke slurringly or contemptuously. In so far as the President in the future endeavors to wage this war efficiently and to secure the peace of overwhelming victory, I shall heartily support him. But if he wages it inefficiently or if he should champion a peace without victory or say that we have no grievance against Germany, I would speak in criticism of him precisely as I have spoken of him in the past.

"I am an American and a free man. My loyalty is due to the United States and therefore it is due to the President, the Senators, the Congressmen and all other public servants only and to the degree in which they loyally and efficiently serve the United States."

(Quoted from a reprinted article in the "Tribune of April 6, 1918.)

## CRITICISM IN WAR TIME

### (Exhibit B)

“There has been evident of late a tendency to denounce as ‘disloyal’ the citizen or legislator who criticised the effectiveness of the Administration’s war policies. It has even been urged by many that during these wartimes the political parties should ignore their individual organizations and give their unqualified approval to candidates for the simple reason that they have given public proof of their ‘loyalty.’

“To say that criticism of the manner in which specific acts are being performed is disloyalty is to be unintelligent, is to reduce citizenship to such a servile following as would be without virility, without potential force, and without the enthusiasm that come from consciousness of joint participation. The best evidence of a rising outraged public sentiment against the awfulness of Prussianism is shown in the present running line of comment on what the Administration is doing. It indicates nothing more than a desire that the best shall be done.

“The argument that to criticise the manner of conducting the war means disloyalty, and, therefore, should not be tolerated, leads to the inevitable conclusion that the war is a mere party matter and the only persons interested in it are those who are conducting it. Pride of opinion from the inside is as dangerous as pride of opinion from the outside.

“Every one knows that the most active, efficient, practical, constructive work done since the United States declared war has been done since there began to be general criticism by the people at large, and by intelligent, thoughtful leaders of opinion. As long as that continues in the right spirit there will be no recession in effectiveness. The moment there is no criticism its absence can be taken as the measure of an indifference deadly to loyalty. It is as puerile to say that any one who criticises an administrative act is disloyal as it is to say that an administrative act well intended but unintelligent is necessarily loyal.

“There has never been effective progress in State or Church without criticism. Whether or not the criticism is efficient is to be determined after it has been made, otherwise the test of efficient criticism is the approval of the person criticised.

"No man ever lived in this country or ever will live in this country whose judgment should surpass the combined judgment of all the others; and whenever any man thinks that he alone should direct and that the other follow with servile complacency, it makes democracy unsafe for the world.

"Democracy must furnish its own mentality and its own morality from its own ranks. Democracy is without pregnant force if any portion of it becomes mentally or morally servile and performs the sole function of following."

(From N. Y. Times. Article by Job E. Hedges, June 2, 1918.)

#### APPENDIX: LEGAL OPINION

#### LEGAL POINTS OF INTEREST TO ALL TEACHERS

N. B. The following is taken verbatim from the admirable Brief prepared by the Counsel for the Defendants, Gilbert E. Roe, one of the most distinguished liberal-minded lawyers of America.

"In my opinion, this entire trial proceeded upon a misunderstanding of the law. It proceeded upon the theory that the security in their positions which the law had theretofore guaranteed the teachers had been withdrawn and that they held their positions virtually at the discretion of the Board. This error appears from the character of the charges filed and from the conduct of the case. For example, at page 311 (stenographer's minutes), Mr. Smyth who represented the three teachers before the Board offered in evidence the By-Laws of the Board as they existed before the adoption of the present Statute, and the following occurred:

"Mr. McIntyre: We object to these By-Laws because it seems quite apparent from Mr. Smyth's statement that the By-Laws are introduced for the purpose of showing that the teachers may be tried for the grounds specified in each of those by-laws, namely, misconduct, insubordination, or neglect of duty, and general inefficiency. Is not that right?

"Mr. Smyth: That is right.

"Mr. McIntyre: We object to them on the ground that the by-laws have been superseded by the statutes, by the last amendment to the Educational Laws, June 8, 1917, and that provides that a teacher may be removed for cause, and the cause is any substantial cause that appeals sufficiently to your discretion, and we object to the by-laws on those grounds.

This argument of the Assistant Corporation Counsel is made in a number of places throughout the case and it seems to have been assumed by the Board that if the Act of 1917 superseded the Charter provision (Section 1093) that then the Board could, as stated by the Corporation Counsel, discharge any teacher in their discretion for any cause deemed by the Board sufficient. A motion was duly made in the case of each of the teachers to dismiss the charges for insufficiency and was overruled and the answer in the case of each of the teachers raised the sufficiency of the charges so that the question was squarely presented and overruled in each case.

I have no doubt that the Act of June 8, 1917, superseded Sec. 1093 of the Greater New York Charter and that the causes for which these teachers can be discharged must be found in the former and not in the latter. *So far, however, from lessening the security of the teachers in their positions, the Act of June 8, 1917, increased it.* The portion of the Act of June 8, 1917, material to the present discussion, is found in Sub-Section 9 of Sec. 872 and provides that permanent teachers such as it is admitted the appellants are:

“Shall hold their respective positions during good behavior and efficient and competent service and shall not be removable except for cause, after a hearing by the affirmative vote of a majority of the Board.”

The clear meaning of this Statute is that the teachers shall (1) be removable only for cause and after a proper hearing and by affirmative vote of a majority of the Board, and (2) that the teacher cannot be removed for any cause during good behavior and so long as he renders efficient and competent service. Under Sec. 1093 of the Greater New York Charter repealed by the above Act of June 8, 1917, it was provided that a teacher could be discharged “for gross misconduct, insubordination, neglect of duty or general inefficiency.”

In the Henrietta Rodman case, decided by this Department, June 8, 1915, a teacher was suspended for six months for writing and publishing in a New York newspaper a letter commenting most unfavorably upon the motives and conduct of the Board while that body was acting in a judicial capacity in determining its policy with respect to the continuation of “mother-teachers” in their positions. In

that case, this Department construed Sec. 1093 of the Charter as follows:

"It is obvious that the purpose of this Statute was to give to the Board of Education a comprehensive disciplinary control over the teachers of the schools of the City. Its scope is sufficient to include every *act* on the part of the teacher, tending to impair her usefulness in her position, or to injuriously affect the administration of the school system."

In the same opinion and referring to the letter in question, it is said:

"I am of the opinion that in this case it would have been well to ignore this comment. It would in time have brought its own condemnation. . . . I believe that the end sought would at the time have been accomplished by an expression of censure or by a sentence less severe, and, while I suggest that the Board, even at this late date, might well consider a reduction of the term of suspension. I am unwilling to make an order which would impair the authority or discretion of the Board in this matter."

It will thus be seen that while the Honorable Commissioner of Education did not agree with the Board so far as the severity of the sentence is concerned, he gave to the then Statute an interpretation which made the disciplinary power of the Board extend to every *act* on the part of the teacher which might impair her usefulness as a teacher or injuriously affect the administration of the school system. The power of the School Board could not be enlarged beyond that indicated in the opinion in the Rodman case and leave the teacher any substantial security in his position if a Board desired to remove him. It was in this state of the law that the Act of June 8, 1917, was passed. That Act, in the portion above quoted, accomplishes several things. In the first place, it will be observed that Sec 1093 of the Charter grouped together indiscriminately causes for dismissal and causes for lesser punishment. In other words, that Section provided that charges might be preferred against a teacher for gross misconduct, insubordination, neglect of duty or general inefficiency, and that, as a result of trial on those charges, *the teacher might be either fined, suspended for a fixed time without pay, or dismissed.* The portion of the Act of June 8, 1917, above quoted, eliminates all question of lesser punishment and goes directly to its purpose of securing the tenure of office of the teacher by providing that the teacher should not be *removable except for cause*, after a hearing, by affirmative vote of a majority of the Board, *and should not be removed for any*

*cause during good behavior and efficient and competent service.* Minor offences for which a teacher might be disciplined by censure, fine or temporary suspension are not referred to in this Section, the central thought of which is clearly to secure the teacher against discharge by the Board for any cause except that which the legislature prescribed. It would, indeed, be strange if the legislature in the 1917 Act had given the Board power to discharge a teacher for causes for which the teacher could not previously have been even fined or temporarily suspended. The legislature clearly intended no such absurd result. In the 1917 Act, the legislature discarded the general language of Section 1093 of the Charter and used language which has a definite and technical meaning. When the Act of June 8, 1917, provided that a teacher should not be removable "except for cause", it declared, in effect, that a teacher should not be removable except for some valid reason, arising out of the non-performance or improper performance of official duties by the teacher.

\* \* \* \* \*

In People ex rel. Callahan v. Board of Education, 174 N. Y., page 176, Supra, it is said:

"We agreed with the learned Appellate Division that section 1117, as continued by section 1101 of the revision, was designed to establish the general rule applicable to all teachers, regardless of when they were appointed, that a public school teacher in the greater city should be protected against removal 'during good behavior and competency.'"

There is no charge here that either Mr. Schmalhausen or any of the three teachers were incompetent. On the contrary, the proof is that they were each of them extremely competent. There is no charge that Mr. Schmalhausen or either of the three teachers have failed "in good behavior." Referring now specifically to the charge against Mr. Schmalhausen, we find the allegation to be that he is charged with conduct *unbecoming a teacher*. But there is no provision in the Statute which authorizes a Board to discharge a teacher for conduct which it may consider unbecoming. The Board has simply tried to create a new offense. What is conduct "unbecoming a teacher?" A Board might think that wearing a certain style of dress was unbecoming a teacher, and that it was unbecoming a teacher to go to

dances, and that it was unbecoming a teacher to hold other than orthodox views upon any subject. *At this time, particularly, a Board might hold that to entertain the views of a Quaker was unbecoming a teacher and justified such teacher's discharge.* If the Statute provided that any teacher might be discharged for any conduct which a Board regarded as unbecoming, the effect would be to absolutely destroy the right of the teacher to be secure in his position during competency and good conduct, of which right the law is most jealous. Prior to the adoption of the Greater New York Charter, teachers were dischargeable at the will of the Board except as they might be protected by contract. But commencing with 1897 and continuing down to the present time, the legislative object plainly has been to give the teacher greater and greater security in his position. See:

People ex rel. Fisk v. Board of Education, 69 Hun. 212  
People ex rel. Callahan v. Board of Education, 174 N.Y. 169.

Tenure of office and civil service acts, both Federal and State, have in recent years all been tending in the same direction, namely, *toward giving the employee of the public greater and greater security in their positions so long as their service was good.* It would be in the highest degree absurd to suppose that the Legislature, by the Act of June 8, 1917, intended to withdraw from teachers any of the protection and security in their positions which the prior law had given them. And yet, if the Statute is construed as contended for by the Assistant Corporation Counsel and so as to include, among the causes for discharging a teacher, whatever a school Board may consider to be "conduct unbecoming a teacher", then, indeed, all independence of a teacher is gone and we have returned to the system of twenty years ago, which, by depriving teachers of all security in their positions destroyed their incentive to perfect themselves in their professions.

\* \* \* \* \*

All these specifications (against the teachers) are far afield from anything contained in the Statute. *They condemn a state of mind, not acts, not conduct, not behavior.* If a teacher can be discharged for a state of mind of which the Board does not approve, then, of course, that is the end

of freedom of teachers in our Public Schools. A Protestant Board may find in the state of mind of every Catholic teacher sufficient "superstition" to require his discharge. A Catholic Board may find in the state of mind of every Protestant teacher sufficient "impiety" to require his discharge. And both may find in the state of mind of every Quaker sufficient "disloyalty" to require his discharge. *Any opinion on any subject, though the opinion has not manifested itself in the acts of the teacher, if the Board strongly enough disapproves such an opinion, will, under the practice of the Board in this case, be a ground for discharging the teacher,* and the worst of it will be that the evidence against the teacher will be obtained as it was done in this case, by orally quizzing and interrogating the teacher suspected of heterodox views on any subject, with the result that there will be the confusion, uncertainty and disagreements in testimony manifest in this record. It is intolerable that such a practice should exist or such a relation be established between school Boards and the teachers. *There is nothing in the law that authorized the charge or the specifications, and they should have been dismissed as being on their face insufficient.*

\* \* \* \* \*

#### THE SO-CALLED TRIAL OF MR. SCHMALHAUSEN AND HIS TWO ASSOCIATES WAS WHOLLY ILLEGAL.

Sec. 881 of the Act of June 8, 1917, provides that:

"All teachers . . . lawfully appointed or assigned before this Act takes effect, shall continue to hold their respective positions for the term for which they were appointed or until removed as provided in subdivision three of Section eight hundred and seventy-two of this article."

Subdivision three of Section 872 of the article provides, as we have seen, that all teachers

"who have served the full probationary period or have rendered satisfactorily an equivalent period of service prior to the time this act goes into effect, shall hold their respective positions during good behavior and efficient and competent service and shall not be removable except for cause after a hearing by the affirmative vote of a majority of the Board."

Mr. Schmalhausen and his associates admittedly are covered by the above provision, as they had long previously served the full probationary period and had been appointed as regular teachers long before the Act of June 8, 1917, was

passed. The above Act took effect June 8, 1917; the present proceedings were instituted in November, 1917. The teachers could, therefore, be removed only in accordance with the terms of Subdivision 3, of Sec. 872 above quoted. Now, there is no provision in this section or in this law for the trial of the teachers except by a quorum of the full board. *Without such provision, of course, a trial otherwise than by at least a quorum of a full board cannot be had.* This precise question has been passed upon by the courts and is not open to discussion here. *In People ex rel. De Vries v. Hamilton*, 84 A. D. 369, the question was presented whether a Deputy County Clerk could take testimony which the County Clerk was authorized to take under the Civil Service Law for the purpose of trying charges against an exempt fireman, and report the testimony to the County Clerk for final action. The Court holds that this cannot be done in an opinion which is conclusive here. In the opinion, it is said:

"We are cited to no authority, except as will hereafter be noticed, nor have we found any, either statutory or otherwise, authorizing a deputy to perform the duties of his chief, take the proof offered upon the hearing, and then pass the proceeding over to the clerk to make the determination. The judgment which is pronounced in each case involves a determination upon the merits and the exercise of discretionary power thereon. The basis therefore is found to a large extent in the impressions produced upon the mind of the officer from the appearance and candor of the witnesses, and is common and material to all judicial proceedings. This has been held to be a prime factor in determining the weight of the testimony and in control of the punishment which ought to be inflicted. It is substantial in its nature and courts have uniformly attached great weight thereto, making it a controlling element in their determination in many cases. In the orderly course of judicial procedure a trial may not be severed so that one functionary may take the proof and another make the determination. Such power has never been exercised, so far as we are aware, unless is was conferred by statutory enactment."

This question of practice becomes vitally important in view of the creation of the new board, under the Act of June 8, 1917. If less than the whole board can hear charges, then, of course, one member could hear them and report to the board. The acting Corporation Counsel, George P. Nicholson, in a communication dated February 8, 1918, addressed to Hon. Arthur S. Somers, President of

the new Board, replied to a question of the Board on this point after referring to the statutes, as follows:

"Obviously, therefore, in the cases which are triable under Sec. 872, subdivision 3 of the Act of 1917, there is no statutory authority which expressly permits the Board of Education to delegate to a Committee the hearing of the testimony of the witnesses. In my opinion, there is no implied warrant for such a procedure, in as much as in the absence of the statutory provisions to the contrary, the person on trial is entitled to have all witnesses heard by the individual or body that is to pass judgment upon him. Hence, it follows that the persons who are placed on trial in accordance with Sec. 872 must be tried by a quorum of the Board of Education and judgment must be rendered by the members of the Board who sit at the trial."

I am not unmindful, of course, of the fact that the Act of June 8, 1917, Sub-section 4 of Sec. 881, provides:

"The rules and regulations adopted by a board of education in pursuance of any law hereby repealed shall continue in full force and effect notwithstanding such repeal, until the same are modified, amendment or repealed by the Board of Education as provided in this chapter."

Also, that by Sub-section 4 of Section 21 of the By-Laws of the Board of Education, it is provided:

"Except when otherwise ordered by the Board, said Committee shall conduct all trials of principals and teachers in high schools and training schools against whom charges have been brought *in accordance with Sec. 1093 of the Charter and shall report its conclusion to the Board for action thereon.*"

But Section 1093 of the Charter was repealed by the Act of June 8, 1917, and in any event, the charges against the teachers in this proceeding were not brought or attempted to be brought in accordance with Section 1093. The Act of June 8, 1917, provides in express terms that these teachers could only be removed in the manner provided in Sub-section 3 of Sec. 872 of that Act. The By-Law in question above quoted, even if it could be given any force at all, after the repeal of the charter provision to which it attaches, which is doubtful, does not purport to provide for a trial conducted under Sub-section 3 of Sec. 872. Admittedly, the present trial, so far as it can be called a trial at all, was taken under Sub-division 3 of Sec. 872 of the Act of 1917. Indeed, the Notice of Suspension of Mr. Schmalhausen, dated November 12, 1917, and the same is true of the Notice given to each of the other teachers, provided:

"You are hereby notified that in accordance with the provisions

of Chapter 786 of the Laws of 1917, and with the By-Laws of the Board of Education, . . . I hereby suspend you without pay."

These Notices, while not introduced in evidence are a part of the records of the Board and the Commissioner will, of course, take judicial notice of them if necessary. It follows, therefore, that the whole proceeding was void. The point is jurisdictional. It involves a question as to the *power* of the Board; it could not be waived.

If, upon a review of the testimony, the Hon. Commissioner of Education is of the opinion that there is nothing in the evidence warranting a dismissal of the teachers, it will not be necessary to decide the question raised under this point, for, if the evidence does not warrant the dismissal of the teachers then it makes no difference before what body or tribunal this alleged trial was had. If, however, it could be found that there was anything in the evidence warranting placing the teachers upon trial, the order would be as in the DeVries case, that they be restored to their positions and a new hearing had before a tribunal properly constituted. There should be no straining to uphold the action of the trial Committee, which was clearly unauthorized by law. These teachers, as the record shows, did not have either a fair or a legal trial. In this connection, I respectfully refer to the Matter of Walwrath, No. 5251, page 1026 of Mr. Finegan's excellent compilation of judicial decisions of the Educational Department. All that was said in that case by the learned Commissioner is equally applicable here. In the first place, the Chairman of the Committee, Mr. Whalen, was clearly disqualified, as the record shows, and would not, had he been a judge, have thought of sitting in a similar situation in a court of law. (Stenographer's Minutes, pages 15-18, 41, 91-93). Moreover, the unfair limitation placed upon the cross-examination of the prosecution's witnesses, (S. M. 39-41, 71-73) and the admission of incompetent testimony against the teachers, (See Tildsley's so-called expert testimony, P. 84-87), and the refusal to accept proper testimony offered in their behalf, (P. 85, 86, 123-127) in the many instances shown by this record, makes it from every point of view desirable, if they are to be tried at all, that they should receive a new, fair and legal trial. One matter which would be reversible error in any court in the world is contained in the speech of Mr. Somers set up in the answer filed with the Honorable Commissioner

in this case. I refer to the introduction and reading before the full Board for the first time of damaging articles, the authorship of which was charged to Mr. Schmalhausen without a particle of proof to support the charge or to show that Mr. Schmalhausen had ever heard of the articles. Of course, Mr. Schmalhausen was without representation before the Board and had no opportunity to deny or explain the charge, (See particularly, pages 3-4 and 8 of Mr. Somer's remarkable speech). The case of People ex rel. Ajas v. the Board of Education, 177 A. D. 936, is exactly in point. The error in that case consisted in the taking by the Chairman of the Committee of statements of some witnesses in the absence of the defendant. These statements were less injurious than the ones unlawfully injected in this case by Mr. Somers before the Board. In the opinion in that case, it is said:

"Such procedure was palpably wrong and it is impossible to conclude that such statement did not to some extent influence the minds of the triers."

And for that error, the finding of the Board was annulled.

\* \* \* \* \*

Although a man is a teacher his rights are still defined by law. In the Walrath case previously referred to (See Compilation of Judicial Decisions by Finegan, Page 1028) the methods adopted to effect the dismissal of a teacher were much like those in the case at bar. In that case the then Honorable Commissioner said:

"It must be understood that a teacher is entitled to a fair chance for his life and that a teacher's place is not to be the foot-ball of politics, or partisanship in other forms. If a teacher to whom the law gives a permanent tenure 'through good behavior' and declares that he can only be removed for cause, is to be removed, the cause must be a reasonable one and the proceedings leading up to the determination must be so conducted as to establish the cause and yet protect the teacher's rights."

and further, in the same opinion, it is said:

"He (the teacher) had had considerable experience in the place he held. He was not an old man incapable of further progress and yet better accomplishments. *The school over which he presided was upon his heart. He was entitled to be treated like a man*, to be regarded for the public service he had rendered. He was not a mere hired man. He was entitled to be conferred with about the interests of the school."

\* \* \* \* \*

I yield to no one in the exacting demands I make for loyalty and patriotism on the part of the teachers charged with the duty of educating the children of our public schools. My own children are among the number receiving their instruction from such teachers today. Too often patriotism, however, is confused with militarism; "Loyalty" is confused with intolerance and persecution. We are already reaping some of the terrible consequences resulting from whipping up this spirit of intolerance in the cases of lynching, mob violence and outrages taking place all over the country, which can only discredit us in the eyes of rational people everywhere and which will discredit our cause throughout the world.

GILBERT E. ROE,

*Counsel for The Teachers' Union.*

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